UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/1990/5/Add.23
24 January 1995

ENGLISH
Original: SPANISH

Substantive session of 1995

IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Initial reports submitted by States parties under articles 16 and 17 of the Covenant

Addendum

PARAGUAY

[18 October 1994]

CONTENTS

	Paragraphs	Page
Introduction	1 - 3	3
I. GENERAL BACKGROUND	4 - 46	3
II. PART OF THE REPORT RELATING TO GENERAL PROVISIONS OF THE COVENANT	47 - 71	11
Article 1	47 - 50	11
Article 2	51 - 71	11

CONTENTS (continued)

		Paragraphs	Page
III.	PART OF THE REPORT RELATING TO SPECIFIC RIGHTS . . .	72 - 406	15
	Article 6	72 - 109	15
	Article 7	110 - 152	24
	Article 8	153 - 172	32
	Article 9	173 - 203	35
	Article 10	204 - 242	42
	Article 11	243 - 314	50
	Article 12	315 - 346	67
	Article 13	347 - 398	78
	Article 14	399	87
	Article 15	400 - 406	87

Annexes*

1. Sources of information

2. CONAVI report, 1989-1993

3. Educational statistics. 1993 Yearbook. Ministry of Education and Worship

4. Review of the position of women in Paraguay

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* May be consulted in the secretariat files.

Introduction

1. In accordance with the provisions of articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights, the Republic of Paraguay submits herewith to the Secretary-General of the United Nations its initial report on the measures adopted and progress made in achieving observance of the rights recognized in the Covenant. The report also indicates factors and difficulties affecting the degree of fulfilment of the obligations under the Covenant. For more information on the country's characteristics reference may be made to the core document that forms an integral part of the reports of States parties.

2. This report sets out to be as complete as possible, and to achieve this recourse has been had to various governmental institutions and also non-governmental organizations, all the information received having been put together and processed in the Directorate-General for Human Rights of the Ministry of Justice and Labour, the government department given the task of drawing up the report.

3. Attention must be drawn to the additional provisions embodied in the new Constitution, which serves as a legal framework for the positive regulations in force and is considered to be a veritable catalogue of economic, social and cultural rights, with a modern concept of the aims and functions proper to the State in regard to those rights, intended to consolidate democracy in Paraguay.

I. GENERAL BACKGROUND

Overall characteristics

4. Paraguay has an area of 406,752 km^2 and is one of the least populated countries in the hemisphere. Population density in August 1992 was 10.1 inhabitants per km^2.

5. As regards the two regions into which the national territory is divided, population density in the eastern region, which covers 159,827 km^2, is 25.2 inhabitants per km^2, whereas the western region, which covers 246,925 km^2, has a density of only 0.4 inhabitants per km^2.

6. The capital of Paraguay is the city of Asunción.

7. The population at the time of the 1992 census was 4,123,550 inhabitants, 55.5 per cent of whom live in urban centres and 49.5 per cent in rural areas.

Geographical characteristics

8. The Republic of Paraguay, situated in the southern part of the Americas, lies between parallels 19° 18′ and 27° 3′ south and between meridians 54° 15′ and 62° 38′ west. The tropic of Capricorn passes almost exactly through the middle of its territory.

9. It is bounded to the north by Brazil and Bolivia, to the east by Brazil and Argentina, to the south by Argentina and to the west by Bolivia.

10. The River Paraguay divides the territory into two large natural regions: the eastern region and the western region or the Chaco. The eastern region is characterized by the variety of its physical and geographical features, in which plains alternate with extensive prairies and wooded areas crossed by an extensive network of surface watercourses. It contains three medium-altitude mountain ranges.

11. The western region, on the other hand, consists of a great plain characterized by scarceness of surface water and unrelieved flatness. Politically and administratively, Paraguay is divided into 17 departments, of which 14 are in the eastern region (Concepción, San Pedro, La Cordillera, Guaíra, Caaguazú, Caazapá, Itapúa, Misiones, Paraguarí, Alto Paraná, Central, Ñeembucú, Amambay and Canendiyú) and three in the western region (Presidente Hayes, Alto Paraguay and Boquerón). The departments are subdivided in their turn into districts, settlements, company estates and hamlets.

12. The principal mountain ranges are the cordilleras of Amambay, Mbarazayu and Caaguazú, situated in the eastern region. The first two form a natural border with Brazil and extend for 300 km from Pedro Juan Caballero in the north to Salto del Guairá on the right bank of the Paraná. Their highest point is Mount Punta Porá, which is 700 metres above sea level. The slopes in the cordilleras have luxuriant vegetation and numerous valleys are found as one goes towards the south.

13. The Cordillera de Caaguazú, situated in the central part of the country, serves as a watershed, the rivers on its eastern slope flowing into the River Paraná and those on its western slope into the River Paraguay. The Sierra de San Joaquín and the Cordilleras of Ybyturuzú and San Rafael branch off from it.

14. Another secondary mountain system situated in the centre of the country is made up of the Highlands, the Ybytypanema Hills and the so-called Cordillerita.

15. The River Paraguay, which is the biggest in the country, is navigable for deep-draught vessels from its confluence with the Paraná up to Asunción and by medium-sized vessels from Asunción to Corumbá (Brazil) in the north.

16. The River Paraná forms the eastern and southern border of Paraguay for a distance of 679 km. It is navigable for vessels of any size from its confluence with the River Paraguay to the Itaipú dam, in the district of Hernandarias, and from there to its headwaters in Brazil it can be used by smaller vessels.

17. The main tributaries of the River Paraguay are the Pilcomayo (835 km in length) which forms the south-eastern border with Argentina. It is a seasonal

river, with an increase in flow during the summer due to the thaw on the spurs of the Bolivian Andes and a greatly diminished flow in winter. The Ypane, which rises in the Amambay Cordillera and runs from east to west, is not navigable. The Jejui rises in the Mbaracayu Cordillera and is navigable for 200 kilometres. The river Tobicuary rises in the Ybyturuzu Cordillera and joins the Paraguay to the north of the town of Pilar. It is navigable for small vessels.

18. Other tributaries of the River Paraguay on its left bank are the Apa, Aquidaban, Manduvira, Piribebuy and Salado, and on its right bank the Rio Negro, San Carlos, Verde and Confuso.

19. The tributaries of the Paraná are the Piratyuy, Ygurey or Carapa, Monday, Ñacunday and Acaray, all of them with cascades and waterfalls where they join the Paraná and consequently with potential for power production.

20. The climate is of the tropical and subtropical type governed by a tropical air-mass and polar air-mass, with very hot and rainy summers and winters with very low temperatures but less rainy. The mean annual temperature is 18° C and the mean maximum temperature 28° C.

21. There is a marked difference between the distribution of rainfall in the two regions into which the country is divided. In the eastern region the mean annual temperature fluctuates between 21° C and 23° C, while in the western region the mean annual temperature is 24° C.

Fauna and flora

22. The biggest forests are found in the eastern region. The most important and widespread species are the lapacho, timbo, urundey, cedar, curupay, chivato, guatambu, acacia, etc., and are used in carpentry and building and for sleepers. The piri, American agave, palm, bamboo, etc., are also common species of great utility for handicrafts. The bitter orange is an important source for industry, since from its leaves a volatile oil is extracted, under the name of "petit grain", which is used in perfumery. Tannin is extracted from the red quebracho.

23. The bigger animals among the wild fauna are the puma, jaguar, tapir, ant bear, deer, fox, capybara, alligator, iguana and tortoise. The most outstanding birds are the rhea, white heron, stork, toucan, parrot, chachalacha, magpie, partridge, wild duck, etc. The rivers teem with dorados, pacú, surubí, armados, patí, catfish, croakers, etc.

Ethnic, linguistic and religious characteristics

24. The Paraguayan population consists of descendants of Spaniards and Guarani and of European immigrants. The Paraguayans are of a white or slightly coppery complexion, of medium stature, sturdy, abstemious and hard-working. Their hospitality is legendary.

25. Paraguay is a pluricultural and bilingual country. Its official languages are Spanish and Guaraní. Guaraní is the mother tongue of the majority of the rural population and of the poorer social classes in the urban areas.

26. Paraguay is a country with a great Roman Catholic tradition, but there is nevertheless complete freedom of worship, since article 24 of the Constitution recognizes freedom of religion, worship and ideology without any restrictions other than those established in the Constitution and the law. Article 63 guarantees special protection for indigenous religions. Furthermore the Catholic Church is no longer the established Church of Paraguay

Demographic characteristics of Paraguay and its population

27. According to data supplied by the Directorate-General for Statistics, Surveys and Censuses, Paraguay is sparsely populated compared with other countries. Nevertheless, in the last few decades there has been a considerable rise in population according to the latest censuses. According to the national censuses, in 1950 the population of Paraguay was 1,328,452; in 1962 it had reached 1,819,103, in 1972 2,357,955, and in 1982 3,029,830. The most recent census, carried out on 26 August 1992, produced a provisional figure of 4,123,550 inhabitants, of whom 2,069,673 are male and 2,053,877 female; the population density is 10.10 inhabitants per km^2.

28. This steady increase can be attributed mainly to the high birth rate, the fall in the death rate and the positive net migratory balance.

29. According to the most recent census, the Central Department has a population of 866,856, of whom about 80 per cent are concentrated in urban areas while the rest live in rural districts.

30. In the period from 1950 to 1992, the total population of the department increased from 167,805 in 1950 to 866,856 in 1992. The same tendency is observed in the urban area; but in the rural area this is not the case, since there was a slight upward tendency in absolute terms until 1982 but a continuous marked reduction in relative terms.

31. The rates of population increase in town and country in the department do not show the same tendency. The population of the urban area has high rates of growth which are accelerating with the passage of time, whereas the population in the rural area shows a tendency to fall.

32. According to data supplied by the censuses, the sex distribution of the population in the Central Department is not uniform. There were 97 males to every 100 females in 1992, which is more than the figure for the department in 1950 (94 males for every 100 females).

33. The population in the Central Department shows a youthful age structure, as befits a population of moderately high fertility, more than a third being

under 15 years of age. Although the proportion of under-15s fell from 43.9 to 38.5 per cent in the period 1950-1992, their absolute numbers quadrupled during that time, rising from 73,666 in 1950 to 333,966 in 1992.

34. While the proportion of economically active persons (15 to 64 years of age) has diminished in the last 10 years (1982-1992) from 59.6 per cent to 57.3 per cent, the proportion of people over 65 years of age is stable at around 4.2 per cent.

35. The age structure of the population in urban and rural areas shows the same characteristics as in the department as a whole.

36. As can be seen from the following table, in the period 1990-1995 the birth rate fluctuated around 33.04 per 1,000 and overall mortality around 6.38 per 1,000, the natural increase in population being 26.66 per 1,000 and life expectancy 67.29 years. The total fertility rate is calculated for the same five-year period to be 4.34 children per woman. The rural population used to predominate. In 1950, it accounted for 65.40 per cent of the population, but according to the 1992 census the proportion had diminished because of urbanization to 49.46 per cent.

Rate of natural increase (per 1,000)	26.66
Crude birth rate (per 1,000)	33.04
Crude death rate (per 1,000)	6.38
Infant mortality rate (per 1,000)	47.04
Crude reproduction rate (children per woman)	2.12
Life expectancy at birth in years, both sexes	67.29
males	65.15
females	69.53

Source: Statistical Yearbook of the Republic of Paraguay, 1992.

37. According to projections by the Technical Planning Secretariat, for 1992 the following estimates are valid for both sexes:

Percentage of the population under 15 years of age	40.14
Percentage of the population aged 15 to 64 years	56.27
Percentage of the population aged 65 years and over	3.59
Percentage of the population living in urban areas	50.54
Percentage of the population living in rural areas	49.46

Economic characteristics

38. The national income per capita according to data provided by the Central Bank of Paraguay has been as follows:

Year	Current US$	1982 US$
1990	1 058	1 342
1991	1 244	1 333
1992	1 219	1 290

39. The variation in gross domestic product since 1990 has been as follows:

Year	Variation
1990	44.1
1991	11.8
1992	17.8
1993	20.4

40. In 1993 there was an economic recovery mainly due to the good performance of the agricultural sector, which experienced 5.3 per cent growth. Electric power production increased by 10 per cent and building by 5 per cent.

41. According to calculations of the Central Bank of Paraguay, estimated inflation rates have been as follows:

Year	Inflation, per cent
1990	44.1
1991	11.8
1992	17.8
1993	20.4

42. The Central Bank of Paraguay has given the following estimates of the percentages of economically active population in the various sectors of the economy:

Sector of the economy	1992	1993
Farming	607 100	626 264
Mines and quarries	3 417	3 543
Industries	165 927	167 869
Construction	154 002	164 449
Commerce and finance	199 530	204 992
Transport and communications	53 058	55 516
Electricity and sanitation services	5 095	5 296
Services	210 798	213 006
Unspecified	69 211	71 501
Economically active population employed	1 468 138	1 512 436
Unemployed	159 276	159 372
Total economically active population	1 627 414	1 671 808
Unemployment rate	9.8%	9.5%

43. With regard to the external public debt, the Central Bank of Paraguay has provided the following information:

External public debt. Structure by creditors (in million US$)		
	As at 31/12/92	As at 31/12/93
Total external public debt	1 249.0	1 217.5
Multilateral organizations	633.2	626.7
Paris Club	689.7	566.6
Commercial banks	26.1	24.2
External public debt. Structure by debtors (in million US$)		
	As at 31/12/92	As at 31/12/93
Total external public debt	1 249.0	1 217.5
Central Government	529.2	530.3
Public companies	482.4	460.8
Financial institutions	237.4	226.4

Cultural characteristics

44. Basic school education is obligatory and free of charge. During 1992 there were in operation 4,911 primary schools, 910 secondary schools, the

National University and the Catholic University with their respective faculties and branches in the interior, and other private universities currently recognized.

45. In regard to the literacy rate, the data given in the following table for the different census years give evidence of a notable improvement in the educational level of the population aged seven years and over for the Central Department as a whole and for its urban and rural areas. The fall in the proportion of persons without any education and those with education only to the primary level is marked, while the proportion of persons at the secondary and university levels has increased.

46. It should be pointed out that there is a greater concentration of the rural population in the lower educational levels.

CENTRAL DEPARTMENT: Population aged seven years and above by urban and rural areas and level of education. Period 1982-1992

Level of education	1982 census		1992 census	
	Population	%	Population	%
TOTAL	402 907	100.0	702 404	100.0
No education	27 355	6.8	39 141	5.6
Primary	269 335	66.8	420 528	59.9
Secondary	89 848	22.3	213 544	30.4
University	8 925	2.2	26 768	3.8
Not stated	7 444	1.8	2 423	0.3
URBAN	243 266	100.0	561 629	100.0
No education	12 579	5.2	28 639	5.1
Primary	149 063	61.3	315 119	56.1
Secondary	68 955	28.3	190 116	33.9
University	7 755	3.2	25 826	4.6
Not stated	4 914	2.0	1 929	0.3
RURAL	159 641	100.0	140 775	100.0
No education	14 776	9.3	10 502	7.5
Primary	120 272	75.3	105 409	74.9
Secondary	20 893	13.1	23 428	16.6
University	1 170	0.7	942	0.7
Not stated	2 530	1.6	494	0.4

Source: National Population and Housing Census 1992. Directorate-General for Statistics, Surveys and Censuses.

II. PART OF THE REPORT RELATING TO GENERAL PROVISIONS OF THE COVENANT

Article 1

47. The Republic of Paraguay recognizes the principle of self-determination, which has been given constitutional status. Article 143 of the Constitution provides:

> "In its international relations, the Republic of Paraguay accepts international law and endorses the following principles:
>
> 1. National independence;
>
> 2. The self-determination of peoples;
>
> 3. Legal equality among States;
>
> 4. International solidarity and cooperation;
>
> 5. International protection of human rights;
>
> 6. Free navigation of international rivers;
>
> 7. Non-intervention; and
>
> 8. The condemnation of any form of dictatorship, colonialism or imperialism."

48. Paraguay accepts all these principles and, as stated in the preamble to the Constitution, recognizes human dignity and forms an integral part of the international community. In accordance with the Constitution, it is a free and independent State and has adopted representative, participatory and pluralistic democracy as a form of government, based upon the recognition of human dignity.

49. Article 144 stipulates that Paraguay renounces war, but upholds the principle of self-defence. This declaration is compatible with the rights and obligations of Paraguay as a Member of the United Nations and the Organization of American States, and as a party to integration treaties.

50. Another constitutional provision (art. 145) recognizes a supranatural legal order which guarantees human rights, peace, justice, cooperation, and political, economic, social and cultural development.

Article 2

51. The provisions of the International Covenant on Economic, Social and Cultural Rights, and also any international treaty that has been ratified by Congress and thus converted into domestic legislation, may be invoked by any person who feels that any of his rights as set forth in the text has been violated; there is no discrimination whatsoever in their implementation as between nationals and non-nationals.

52. National legislation contains specific constitutional provisions guaranteeing non-discrimination as to race, colour, sex, language, religion, political or other opinion, national or social origin or any other status, and also various provisions in the Civil Code, Labour Code, Penal Code and Electoral Code.

53. Several articles in the Constitution provide for equality of rights:

> "Art. 46: All residents of the Republic are equal as far as dignity and rights are concerned. No discrimination is permitted. The State shall remove those obstacles and prevent those factors that maintain or promote discrimination. Guarantees aimed at preventing unjust inequalities shall be considered as not discriminatory but egalitarian factors.
>
> Art. 47: The State shall guarantee all inhabitants of the Republic:
>
> 1. Equal access to justice, for which purpose it shall remove all obstacles that prevent this;
>
> 2. Equality before the law;
>
> 3. Equal access to a non-elective public office, without any requirement other than competence for the job; and
>
> 4. Equal opportunities of participation in the benefits of nature, material assets and culture.
>
> Art. 48: Men and women shall have equal civil, political, social, economic and cultural rights. The State shall create conditions conducive to, and adequate mechanisms for, making this equality real and effective by removing obstacles that could prevent or curtail this equality and by promoting women's participation in all sectors of national life."

54. In the chapter concerning political rights and obligations, article 117 states:

> "Citizens of either sex shall have the right to participate in public affairs, directly or through their representatives, in the manner determined by this Constitution and the laws. The access of women to public office shall be promoted."

55. With regard to education, article 73 establishes the right of everyone to comprehensive and continuing education. Article 74 guarantees the right to learn and to have equal access opportunities to the benefits of humanistic culture, science and technology without discrimination.

56. Article 88 concerns work:

> "No discrimination shall be permitted against workers on grounds of race, age, religion, social status or political or union preferences."

57. As to the work of women, article 89 of the Constitution provides that workers of both sexes have the same rights and obligations, but maternity shall be subject to special protection.

58. The Civil Code, which was ratified in 1985 and entered into force in 1987, contained passages that discriminated against women with regard to family relations, marriage and de facto marriage. These restrictions were lifted with the promulgation of Act No. 1/92, which partially reforms the Civil Code and provides, in article 1, that women and men are entitled to enjoy and exercise civil rights on an equal footing, regardless of their marital status.

59. Article 6 of the above Act states:

> "Men and women shall have equal duties, rights and responsibilities in the home, regardless of their financial contribution to the maintenance of the common home. They owe each other respect, consideration, fidelity and assistance."

60. The last part of article 9 of the Labour Code establishes that there may be no discrimination against workers on grounds of race, colour, sex, religion, political opinion or social status. Article 128 states: "Women shall enjoy the same labour rights and have the same obligations as men".

61. With regard to wages, in accordance with article 229 of the Labour Code, "remuneration rates may not establish inequality on grounds of sex, nationality, religion, social status and political or union preferences".

62. It is in criminal matters that most progress has been made since the ratification by Paraguay in 1986 of the Convention on the Elimination of All Forms of Discrimination against Women. Act No. 104/90 abolished both article 21, subsection 7, of the Penal Code and articles 295 and 296 on adultery. Article 21, subsection 7, allowed a husband to kill his wife if he surprised her in the act of committing adultery. Today, adultery is no longer a crime in Paraguay, and nobody has the right to kill, although article 1 of Act No. 104 states: "A spouse who surprises the other spouse in a sexual act with another person and kills, injures or mistreats that spouse or the other person shall, if the spouses are not separated, be liable to half the corresponding penalty".

63. Article 312 of the Electoral Code legislates on election campaigning and prohibits campaigns that advocate discrimination on grounds of class, race, sex or religion.

64. The new Government in power since 1989 has attached fundamental importance to external cooperation, in view of the decline in financial assistance since the beginning of the second half of the past decade and a negative capital flow. Official development assistance (ODA) to Paraguay in the second half of the past decade fluctuated considerably. After reaching US$ 163 million in 1985, it declined to US$ 143 million in 1987 and then fell more sharply to US$ 117.8 million in 1989, slowly recovering in 1990 to reach US$ 123.1 million.

65. Considerable efforts have been made to attract investments and external aid so as to meet government goals. In the specific case of technical cooperation, the Government has placed particular emphasis on job creation and sustainable development of natural resources, administrative reform of the State, personal and social development, and Paraguayan membership of MERCOSUR.

66. The local office of UNDP set out to reorient the 1991 projects towards the regional development areas having greater national priority.

67. ODA to Paraguay in 1990 showed an increase of 25 per cent over the previous year, for a total of US$ 123.1 million. The largest increase was recorded in independent technical cooperation, with a rise of 128.4 per cent over 1989. Independent technical cooperation accounted for 32 per cent of total assistance (US$ 48.2 million), while investment projects made up 63 per cent of the total (US$ 68.6 million), the remaining 5 per cent being of three types: emergency and relief aid, food aid and investment-related technical cooperation in that order.

68. The growth in the country's ODA in 1990 reflects, firstly, the Government's considerable interest in attracting bilateral and multilateral foreign aid for its social, economic and environmental development plans, and secondly, its efforts to renegotiate the external debt with Brazil and the Paris Group (it obtained a substantial reduction in debt payments for the end of 1990).

69. The five biggest donors in 1990 were: Japan, Germany, the World Bank, the Inter-American Development Bank (IDB) and the United Nations system. The main economic sectors benefiting from this assistance were: agriculture (26 per cent), regional development (18.8 per cent), human resources (12.8 per cent), development administration (10.3 per cent), economic management (8.4 per cent) and social development (6.9 per cent). Of the external aid provided in 1990, US$ 66 million, or 54 per cent, was in the form of bilateral assistance, 27.8 per cent of the annual total coming from Japan and 25.5 per cent from Germany.

70. Assistance from multilateral donors amounted to US$ 49.3 million, or 40 per cent of the annual total. The biggest multilateral donor was the World Bank, with 14.2 per cent of the total, followed by the United Nations system (excluding the World Bank) with about 9 per cent, IDB with about 8 per cent and FONPLATA with about 6 per cent. Non-governmental organizations accounted for 6 per cent of total external assistance, or US$ 7.8 million.

71. Within the United Nations system (excluding the World Bank), the largest technical cooperation contributions to Paraguay in 1990 came from: IFAD (International Fund for Agricultural Development), WFP (World Food Programme), WHO, UNDP, UNFPA (United Nations Population Fund) and UNICEF respectively (source: 1991 Report on Cooperation for Development).

III. PART OF THE REPORT RELATING TO SPECIFIC RIGHTS

Article 6

72. The Republic of Paraguay became a signatory of ILO Convention No. 111 concerning Discrimination in respect of Employment and Occupation in 1967. In 1969, it ratified Convention No. 122 concerning Employment Policy and, in 1991, Convention No. 159 concerning Vocational Rehabilitation and Employment (Disabled Persons). All those Conventions refer to the need to formulate and implement, as a major goal, an active policy designed to promote full, productive and freely chosen employment.

73. The legal measures established to guarantee the right to work are contained in the Constitution and in the Labour Code (Act No. 213/93). In that regard, article 86 of the Constitution establishes the fundamental right of all inhabitants of the Republic to a freely chosen job, to be performed under proper and fair conditions; the rights of workers are inalienable, and the law protects work in all its forms. Similarly, article 87 establishes the obligation of the State to promote policies aimed at achieving full employment and providing vocational training for human resources, giving preference to Paraguayan workers.

74. The Labour Code regulates and guarantees the right to work in the following articles:

> "Art. 9 (first part): Work is a right and a social duty and enjoys the protection of the State. It shall not be regarded as a commodity. The freedoms and dignity of those who work shall be respected, and work shall be performed in conditions that protect life and health and ensure a financial level compatible with the responsibilities of a man or a woman who is the head of a family.
>
> Art. 11: Intellectual, manual or technical work shall enjoy the guarantees established by law, subject to the distinctions that derive from the regulations for its enforcement."

75. The following information concerns the situation, level and current tendencies of employment, unemployment and underemployment.

76. According to data derived from the 1992 census, the country's total population was 4,123,550, of whom 3,061,133 were of working age. The studies conducted in 1992 by the Directorate for Sociological Research (DIS) of the Economics Faculty of the UNA estimated the economically active population (EAP) at 1,583,599 persons and the economically inactive population at 1,477,534 persons. The employed EAP totalled 1,514,832, and 136,133 were unemployed. The unemployment rate was estimated at 8.6 per cent.

77. The findings of the 1993 Household Survey conducted by the Directorate-General for Statistics, Surveys and Censuses showed that in the Central Department, out of an EAP of 600,152 persons, 474,408 were in full

employment, whereas 30,494 could find no work (overt unemployment). According to these data, following the 1991 peak of 85.37 per cent, full employment fell in 1992, before recovering significantly in 1993.

78. The Directorate-General's figures reveal that overt unemployment fell from 8.25 per cent to 5.08 per cent in 1993, with invisible underemployment declining from 13.58 per cent in 1983 to 11.79 per cent in 1993.

79. Although the Household Survey was confined to the metropolitan area of Asunción, the data are significant, because the working population is concentrated in that area, in particular employees, who account for 42 per cent of the national total.

80. Employees, who make up 42 per cent of total employment, are concentrated in Asunción (65.2 per cent), whereas in the other urban areas they make up 55 per cent and in rural areas only 20 per cent. It should also be pointed out that employment in the public sector is relatively low, accounting for only 9.3 per cent of all employees.

81. In both the public and private sectors, the percentage of women in the working population has increased.

Occupational category	Total	Men	Women
Total	100%	100%	100%
Employee or worker	42.0%	39.2%	50.3%
Public sector	9.3%	7.5%	14.6%
Private sector	32.7%	31.7%	35.7%
Family worker	13.1%	14.0%	10.4%
Self-employed	40.1%	41.4%	36.1%
Employer	4.8%	5.4%	3.2%

Source: DIS. Survey on socio-economic characteristics of Paraguayan families, 1992. UNA.

EMPLOYED POPULATION BY CATEGORY OF WORK
1972-1982-1992

Category	1972	1982	1992
TOTAL	730 576	991 864	1 514 832
Employee or worker	291 914	376 876	636 598
Family worker	87 272	92 162	198 261
Self-employed	332 914	420 122	606 576
Employer	14 318	10 478	73 397
Not specified	4 118	92 227	-

Source: DIS. Population censuses 1972, 1982. Survey on socio-economic characteristics of Paraguayan families, 1992. UNA Economics Faculty, IDB.

82. The reference tables show that the employment market has been modernizing at a slow but constant rate; this is positively reflected in the decline in the number of self-employed persons and the increase in paid work.

83. Whereas in 1972 manual and clerical workers made up 40 per cent of the employed EAP, by 1992 that figure had risen to 42 per cent. Family workers accounted for 11.9 per cent of the total in 1972 and 9.3 per cent in 1982, increasing to 13.1 per cent in 1992. Self-employed workers made up 45.6 per cent of the employed EAP in 1972, 42.4 per cent in 1982 and 40.1 per cent in 1992.

84. The overall figure for unemployment at the national level may be regarded as relatively low, the main problem of the employment market being underemployment, which accounts for 48 per cent of the workforce. The causal factors are both demographic and economic; with a population growth of over 3 per cent annually, more than 50,000 young people enter the employment market every year. The economic infrastructure of the formal sector cannot adequately meet job demand, and it is the informal sector that serves as a refuge for a large percentage of this available labour.

85. The educational standard of the workforce is low, which conspires against making the most of employment opportunities and also affects Paraguay's overall productivity. Enormous efforts are being made to improve the skills of the workforce, ranging from educational reform, which is already under way, to the stepping-up of all kinds of vocational training activities.

86. As underemployment has a heavier impact on workers in the rural sector, government efforts have been focusing on this area. In recent years, a

variety of policies and projects have been implemented, ranging from agricultural diversification and intensive training of the workforce to special credit programmes for farmers to finance their smallholdings.

87. With the aim of raising the productivity and income of the rural population, an aggressive agrarian reform policy is being implemented through the Rural Welfare Institute, which grants land and regulates its ownership in the rural sector.

88. As to financing and the granting of loans, we can say that since 1993 the Peasant Development Fund has added its activities to those of the National Development Bank and the Agricultural Credit Institute.

89. The working population in the farming sector amounts to 37.1 per cent of the total, the rural sector being the area with the most workers. In order of importance, the commercial sector follows, with 19.1 per cent, and then the services sector with 18.6 per cent. The manufacturing sector accounts for 12 per cent of the EAP.

90. With increasing urbanization, there has been steady growth in an employment market in the informal sector, which is concentrated in the central areas of such cities as Asunción, Encarnación and Ciudad del Este, where in the past five years the activities of street vendors have proliferated. Informal-sector activities have also been observed in other cities such as Coronel Oviedo and Pedro Juan Caballero, albeit on a much smaller scale.

91. Small and medium-sized businesses have an undeniable impact on job creation. As in other Latin American countries, the trend observed over more than a decade has picked up pace, and most of the workforce is employed by micro-enterprises in the informal sector and small and medium-sized undertakings in the formal sector.

92. In Paraguay, small undertakings have traditionally played an important role in creating wealth and serving as a source of employment; they currently make up more than 85 per cent of the nation's productive businesses. A large number of family-run micro-enterprises operate in the area of commerce and services, employing a significant part of the workforce. In this regard, independent or self-employed work has an important place in the country's occupational structure (self-employed workers and family workers together accounting for 53.2 per cent).

93. When broken down by region, the employment market in 1992 exhibited a limited level of modernization which has not become widespread in employment relations at the national level. It is estimated that there are more than 400,000 persons employed in the informal sector of the economy, 58 per cent of

whom are women and 42 per cent men. This disparity is due to the greater concentration of women in the services and food-processing sectors, which together account for most activity in the informal sector.

94. In order to reduce the "informalization" of the workforce and raise its productivity, various measures are being implemented covering the following areas:

(a) Better financial and tax control of undertakings in the sector;

(b) Proposals to modify tax and labour legislation;

(c) Integration of independent and self-employed workers into the social security system as from 1993;

(d) Credit and tax incentives to formalize these activities and ensure that they are better coordinated with businesses in the formal sector;

(e) Training owners of micro-enterprises in such basic subjects as simple accounting, management and marketing systems for their products.

95. The informal sector's existence should not be disregarded, but rather stimulated by providing support to encourage its development and "formalization"; this would also make it possible to improve the productivity and income of workers in the informal sector.

Employment indicators - February 1994	
Total population:	4 123 550 1/
Population of working age:	3 061 133 2/
Economically active population: (EAP)	1 583 599
Economically inactive population:	1 477 533
EAP in employment:	1 514 832
EAP unemployed:	136 133
Unemployment rate:	8.6%
Overt unemployment:	68 767
Hidden unemployment:	67 366

Source:

1/ 1992 census. Directorate-General for Statistics, Surveys and Censuses.

2/ 1992 Socio-Economic Survey. DIS, UNA.

96. The trend in the rate of unemployment is given below, on the basis of statistics prepared by the Regional Employment Programme for Latin America and the Caribbean of the International Labour Organization (PREALC-ILO) using the available household surveys:

Year	Paraguay	Asunción
1986	12.8	6.1
1987	11.6	5.5
1988	8.6	4.7
1989	6.7	6.1
1990	7.5	6.6
1991	10.4	5.1
1992	14.4	5.3
	8.6*	

* The rate of unemployment estimated by the study conducted by the Department of Socio-Economic Research of the Faculty of Economics is only 8.6, in comparison with PREALC's 14.4 estimated on the basis of econometric projections.

97. The household survey conducted by the Directorate-General for Statistics, Surveys and Censuses came up with the following findings:

Year	Employed	Unemployed	Active population
1990	486 108	34 125	520 233
1991	495 364	26 622	521 986
1992	523 221	29 300	552 521

This household survey was conducted in Asunción and the metropolitan area.

EMPLOYED EAP BY AGE GROUP. METROPOLITAN AREA OF ASUNCION

Age group	Total employed	Men	Women
12-14	6 277	3 755	2 522
15-19	45 777	22 345	23 432
20-24	87 025	46 001	41 024
25-29	78 809	45 278	33 531
30-34	61 424	35 829	25 595
35-39	56 543	29 670	26 873
40-44	50 350	24 794	25 556
45-49	39 898	22 216	17 682
50-54	36 507	23 942	12 565
55-59	22 821	14 364	8 457
60-64	20 865	13 854	7 011
65- +	16 925	12 436	4 489
TOTAL:	523 221	294 484	228 737

Total EAP Employed in metropolitan area:	523 221
Total EAP Employed in Asunción:	273 304
Total EAP Employed in rest of area:	249 917

EAP Employed in Asunción: 273 304

Men: 143 377 Women: 129 927

EAP Employed elsewhere: 249 917

Men: 151 107 Women: 98 810

Source: 1992 Household Survey, Directorate-General for Statistics, Surveys and Censuses.

98. To sum up, it may be said that the Government, having taken full stock of the employment situation, has begun to implement a series of measures to improve the situation and standard of living of workers in both the rural and informal sectors. These measures include the development, by the Technical Planning Secretariat within the Office of the President of the Republic, of a draft economic and social development programme which the Government intends

to implement over the period 1994-1998. The objectives of the programme are to create jobs in activities with higher productivity, to increase productivity and income in activities that have lagged behind (small urban firms and micro-enterprises and small rural farmers), and to extend systems of protection within employment.

99. The Government has also made bold efforts to achieve harmonious labour relations for employees in the formal sector. The most noteworthy achievements stem from the implementation of the policy of dialogue and coordination instigated by the Ministry of Justice and Labour.

100. This policy addresses various aspects of labour relations such as wages, social security, employment situation, vocational training, etc. In order to institutionalize the tripartite relationship, a Tripartite Bargaining Commission has been established comprising representatives of entrepreneurs' organizations and of the three central labour organizations, and officials and specialists from the Ministry of Labour representing the Government. The main issues currently being addressed are the following: wages, the formulation and proposal of employment programmes and social security.

101. The development of its human resources through training and the improvement of employment opportunities is, together with economic development, the prime objective of the Government.

102. The legal measures designed to ensure that labour is as productive as possible are set out in the Labour Code, article 16 of which makes it mandatory for the State to provide vocational and technical training for workers in order to enable them to improve their skills and thereby earn higher wages and become more productive. It is also required to implement an economic policy designed to preserve the right balance between supply and demand on the labour market, and to provide suitable employment for workers unemployed or underemployed for reasons beyond their control, and for the physically and mentally disabled, the elderly and war veterans. Article 67, paragraph 7, of the Code stipulates that workers are entitled to vocational and technical training in order to improve their skills and knowledge for the purpose of developing efficiency of production.

103. As part of the Government's labour policy, workers are provided with free vocational guidance and training services. Vocational guidance is given by the National Employment Service which provides free guidance for workers and, in particular, young people looking for their first job. Its objective is to help them satisfactorily to enter the labour market, with due regard for their skills and abilities. People already in work are given information on training programmes to help them improve their productivity and earn better wages. Guidance basically consists of personal interviews with applicants who visit the offices of the Employment Department. Informal discussions and

seminar-workshops are also organized for young people about to leave secondary school and university. These activities are used to provide information on job opportunities, available training courses and trends in the labour market in terms of labour needs.

104. In places where there is a shortage of remunerated work, self-employment is encouraged as a feasible alternative means of joining the labour market. The Human Resources Directorate, is pursuing its Young People's Associated Enterprises Programme, which provides credit and training for young owners of micro-enterprises who set up small-scale productive units as a means of generating income.

105. Since 1993, the National Vocational Advancement Service (SNPP) has also provided guidance services for persons taking its vocational training courses.

106. The Ministry of Justice and Labour, through the SNPP, and the Ministry of Education and Worship, through more than 65 technical colleges, are the main bodies responsible for implementing the training policy developed by the Government to raise the level of productivity of the EAP. The SNPP provides a broad range of services for the three sectors of the economy (agriculture and forestry, industry, commerce and services), and currently operates 26 permanent workshops and 50 mobile workshops to train 12,000 workers per year as finances permit.

107. Training activities in the form of vocational training have been supplemented by the following types of training: in-house training intended for coordinators and instructors operating within their own firms; what is known as rural family training, intended for home workers, and provided in the form of short practical courses; training and advisory services for firms in order to help train and develop the skills of entrepreneurs and managers in small and medium-sized firms; residential apprenticeships; "dual" industrial apprenticeship courses for young people up to 18 years of age who are not enrolled in the formal educational system; training, loans and marketing to address the problems faced by rural settlements located in agricultural frontier zones; computer-science training and the Centre for Electronics and Electricity, which teaches advanced technology in this sector. There have been and still are specific programmes operated in conjunction with the Governments of the United Kingdom, the United States, Germany and Japan.

108. The aim of these joint efforts is not only to adjust vocational training policies and measures to actual employment prospects, but to ensure that young people in particular, and workers as a whole, successfully take their place on the labour market and find a stable job and/or a full-time productive activity that permits them to maximize their potential, in accordance with ILO Conventions Nos. 122 and 142 and Recommendation No. 150.

109. The Paraguayan Constitution prohibits discrimination among workers on grounds of ethnic origin, sex, age, religion, social status and political or trade union opinions (art. 88). This provision is in conformity with article 9 of the Labour Code, which prohibits discrimination among workers on grounds of race, colour, sex, religion, political opinion or social status, and articles 2 and 3 of the Code, which stipulate that labour law shall benefit all workers, whether manual or intellectual, Paraguayan or foreign. In addition, the rights established by the Code may not be waived, compromised or limited by contract. Employees of the State, municipal authorities and autonomous corporations are not governed by the labour laws; they are subject to the Public Officials Act (No. 200).

Article 7

110. The Republic of Paraguay is a signatory to the following ILO Conventions: the Equal Remuneration Convention (No. 100), which it signed in 1964; the Weekly Rest (Industry) Convention (No. 14) and the Weekly Rest (Commerce and Offices) Convention (No. 106), signed in 1966; and the Labour Inspection (No. 81), signed in 1967.

111. The legal foundation for the right to a minimum wage is established in the Constitution and the Labour Code (Act No. 213/93).

112. Article 92 of the Constitution guarantees workers the right to remuneration which assures them and their family a free and decent existence. The adjustable minimum living wage is established by law, together with the annual bonus, the family bonus, payment of higher wages for time worked in an unhealthy or dangerous environment, and overtime, night work and work on holidays. The principle of equal wages for equal work is established. The Constitution also requires, in article 93, the State to introduce a system to encourage enterprises that provide incentives for their workers through remuneration additional to their wages and other legal benefits.

113. Article 249 of the Labour Code defines the minimum wage as the wage that is sufficient to meet the normal day-to-day needs of workers, comprising food, housing, clothing, transport, social security, culture and suitable leisure activities, assuming that he is a head of household.

114. A system of minimum wages has been introduced for workers throughout Paraguay, the minimum wage in the capital having been linked to that paid elsewhere in Paraguay since 1993. This minimum wage system concerns all wage-earners, although in practice there have been complaints and specific instances in which employers flout the law by failing to pay the minimum wage. In such cases, responsibility for enforcing the provisions of labour law lies with the labour authorities, whose monitoring function is performed by the Inspection and Monitoring Department on application or of its own motion.

115. The adjustable minimum living wage is set periodically with the aim of raising the standard of living, on the basis of the following criteria: the cost of living for a working-class family; the overall wage level throughout Paraguay or in the region concerned; economic conditions in the sector concerned; the nature and productivity of the work in question; the age of the worker; and other appropriate criteria (Labour Code, art. 250).

116. Paraguay's territory is divided into urban and rural areas for the purposes of fixing wages-levels. The minimum wage is generally set for each area or for one or more similar industries or sectors of activity following, if appropriate, a detailed study of their specific economic circumstances (art. 251).

117. Article 252 of the Labour Code stipulates that minimum wage rates are to be set on the recommendation of the National Minimum Wage Council, an agency presided over by the Director of Labour and made up of three representatives of the State, proposed by the Executive, three employers' representatives and three workers' representatives, who are to be appointed by their relevant organizations (art. 252). The Council is authorized, inter alia, to require government departments, municipalities, autonomous agencies, and public, joint and private industrial or commercial undertakings in Paraguay to provide any data, reports or information pertaining to their operations, to convene public meetings so that the parties concerned may express their views, and to take any other investigatory action necessary to elicit relevant evidence and other data.

118. As the Council lacks the necessary infrastructure to carry out these studies, the Central Bank of Paraguay analyses and investigates the needs of workers and their families (food, housing, clothing, miscellaneous expenditure) in order to establish the cost of living index, which is used to determine minimum-wage levels. On the basis of the research, the Council proposes the minimum-wage scale, which is submitted to the Executive (Labour Code, arts. 253 and 254).

119. The minimum wage thus determined remains in force for two years. It is then automatically extended for two-year periods, unless the labour authorities or the parties concerned request that it be altered during its period of application for the following reasons: (a) a significant change in circumstances in the area or industry caused by economic and financial factors; and (b) fluctuation of at least 10 per cent in the cost of living (Labour Code, arts. 255 and 256).

120. In this connection the following table shows the movement of the index (base 1980=100) for average wages paid to workers in the following sectors: manufacturing industry; construction industry; utilities; commerce; transport, storage and communications; services.

Year	Manufacturing industry	Construction	Utilities	Commerce	Transport, storage, communications	Services	Overall
1980	100.0	100.0	100.0	100.0	100.0	100.0	100.0
1981	120.3	119.3	120.0	124.5	119.4	121.5	120.7
1982	122.7	119.9	128.8	126.7	128.2	121.6	124.6
June	122.7	119.9	128.8	126.7	128.2	121.6	124.6
Dec.	122.7	119.9	128.8	126.7	128.2	121.6	124.6
1983	128.5	120.5	145.1	134.6	135.8	130.5	131.4
June	124.1	119.9	141.8	127.9	134.6	121.5	128.6
Dec.	132.8	121.0	148.3	141.3	137.0	139.5	134.7
1984	153.6	148.4	162.2	163.9	146.5	171.6	152.4
June	145.7	138.5	148.3	156.5	143.6	161.7	145.3
Dec.	161.5	158.3	176.0	171.3	149.3	181.5	159.5
1985	185.9	193.6	220.9	202.1	175.5	231.1	186.8
June	174.1	181.0	204.2	186.0	169.8	196.5	175.9
Dec.	197.6	206.3	237.6	218.2	181.1	265.7	197.7
1986	238.2	257.7	268.2	268.5	211.8	234.1	235.4
June	220.1	234.0	255.7	247.5	209.1	281.2	221.5
Dec.	256.4	285.3	280.6	289.6	214.6	327.0	249.3
1987	327.3	379.1	375.2	382.6	278.7	433.8	323.1
June	300.1	344.8	353.4	341.9	272.0	395.0	300.3
Dec.	354.5	413.4	397.0	493.3	285.4	472.6	343.9
1988	443.2	519.6	463.1	528.0	353.8	589.3	426.8
June	405.5	470.6	438.4	482.4	348.4	542.6	398.2
Dec.	480.8	568.5	487.8	573.6	359.2	635.9	455.3
1989	555.3	650.2	695.3	652.0	534.1	735.2	567.8
June	544.2	650.2	695.3	652.0	519.4	730.4	557.2
Dec.	566.3	650.2	695.3	652.0	548.8	739.9	578.4
1990	731.6	846.9	872.2	798.8	689.9	935.8	739.8
June	641.6	730.8	766.5	690.5	637.6	799.8	656.9
Dec.	821.6	963.1	977.8	907.0	742.1	1 071.7	822.6
1991	867.4	1 016.5	1 027.6	914.6	944.9	1 085.3	911.5
June	857.6	961.3	1 007.7	907.4	853.4	1 086.9	876.6
Dec.	877.1	1 071.7	1 047.4	921.8	1 036.3	1 083.7	946.5
1992	959.3	1 354.6	1 106.4	983.1	1 145.0	1 186.7	1 043.3
June	922.6	1 287.3	1 083.7	940.7	1 117.4	1 145.1	1 008.8
Dec.	996.0	1 421.9	1 129.1	1 025.5	1 172.7	1 228.3	1 077.9
1993	1 132.4	1 578.1	1 416.6	1 140.8	1 415.7	1 374.9	1 256.6
June	1 118.8	1 578.1	1 404.5	1 137.8	1 318.9	1 364.4	1 221.1
Dec.	1 145.9	1 578.2	1 428.7	1 143.9	1 512.5	1 385.4	1 292.2

Source: Central Bank of Paraguay, Domestic Market Division.

121. With regard to work by women and women's wages, the diagnostic study prepared by the Technical Planning Secretariat shows that women's wages are proportionally lower than those of men in the same occupation. There is also a clear discrepancy, in favour of men, between men's and women's incomes in virtually all branches, all occupational categories and occupational groups, and for all levels of education. Access to intermediate and higher education does not guarantee women a fair income in comparison with men with the same level of education. The wages differential between the sexes exists regardless of the number of years of study, and male university graduates earn almost twice as much as female graduates.

122. The proportion of the female economically active population in the informal sector was higher for the three years studied (1983, 1986, 1989) than that of men. In 1989, 79 per cent of women in the labour force were employed in the informal sector, as against 56 per cent in the case of men.

123. Women do not participate in the labour force on equal terms with men, partly on account of their family responsibilities, such as responsibility for reproduction and the upbringing of children, while men are expected to work in the public sphere, in production and in paid work. Motherhood is still considered the main reason for women's lower status on the labour market and the reason why they are to be found in those sectors with lower levels of remuneration. On the one hand, the types of work they find are the least qualified and worst paid, and on the other, women as a rule do not reach senior positions.

124. There is a considerable body of legislation in Paraguay concerning work by women and the protection of them, together with provisions setting forth equal rights for men and women; those came into being as a result of the political changes of 1989. The Constitution adopted in 1992 contains a number of provisions establishing equal civil and political rights for men and women, and others protecting the position of women at work. Thus, the chapter on labour rights contains provisions relating to non-discrimination among workers on ethnic grounds or grounds of sex, age, religion, status and political or trade union opinion (art. 88). Where remuneration is concerned, it establishes, inter alia, equal wages for equal work (art. 92).

125. The Labour Code also establishes the right of workers to "equal wages for equal work of the same nature, efficiency and duration without distinction as to age, sex or nationality, religion, social status, and political and trade union preferences" (art. 67, para. (c)). The chapter on work by women stipulates that they have the same rights and obligations as men (art. 128). The chapter on wages stipulates that "there shall be no inequality in wage rates on grounds of sex, nationality, religion, social status and political or trade union preferences. There shall be equal remuneration for work of equal value, whether it is of the same kind or not, of equal duration and effectiveness, except when higher wages are paid on the basis of seniority and merit." These provisions of the Labour Code are supplemented and extended by the provisions of ILO Convention No. 111, which Paraguay ratified in 1966.

126. Notwithstanding the instruments that exist to ensure equality for women before the law, the discrimination they still suffer in practice is reflected in the following facts:

(a) Women's participation in socio-economic activities is limited, and they do not enjoy equality of opportunity as regards the benefits of development;

(b) The maternal mortality rate is one of the highest in the Americas, Paraguay occupying second place behind Bolivia;

(c) Women are virtually absent from the highest spheres of government and the most senior positions;

(d) There is considerable violence against women both within and outside the family;

(e) There has been an increase in gainful work by women in the informal sector;

(f) A total of 62 per cent of illiterates are women, a reflection of a low level of education.

127. The draft social and economic development programme for 1994-1998 defines strategies aimed at improving women's social status in the following spheres: education, the economy, health, legislation, work, politics, rural women and violence against women. It also aims to eradicate all forms of discrimination against women by coordinating economic and social policies at the national, regional and local levels, and establish conditions to bring about an equitable sharing of responsibility between men and women in the public and private spheres. The policies formulated incorporate the gender perspective into the various development plans and programmes.

128. With regard to hygiene and safety, article 86 of the Constitution stipulates that all inhabitants of the Republic are entitled to freely chosen lawful employment, which they shall perform under decent and fair conditions. The law will protect all forms of work, and the rights conferred by law on workers are inalienable. Under article 99 of the Constitution, compliance with labour, safety and hygiene standards at work must be supervised by the authorities established by law, which shall also establish penalties for violations.

129. Article 272 of the Labour Code (Act No. 213) stipulates that "in performing their professional services, workers shall be entitled to effective protection of their health, safety and hygiene at work".

130. The general technical regulations relating to occupational safety, hygiene and medicine introduced by the Executive through Decree No. 14,390, dated 28 July 1992, set out in a single document containing 298 articles the

minimum conditions applicable to premises and workplaces, installations and machinery, technical equipment, materials and raw materials for production, substances and by-products, transport and storage, the environment, labour, physical, chemical and biological agents, individual safety equipment and, in general, all the requirements for adequate protection against industrial accidents and occupational diseases. It may thus be affirmed that there are no categories of employment that are excluded or only partially protected in terms of industrial hygiene and safety.

131. The country has no system of statistics concerning industrial accidents and sickness that gives an accurate idea of their significance. This lacuna restricts the possibility either of taking specific measures to deal with the more frequent and more serious problems, or of evaluating the degree of success achieved. As for occupational illnesses, unfortunately these are rarely diagnosed, for lack of specific programmes for their detection, while the reporting of cases is even less frequent. The main reason for the lack of statistics is the fact that accidents are not reported by employers.

132. Specific inquiries into working conditions and the working environment for different economic sectors, followed by a tripartite analysis, can be very helpful in the identification of programmes and the search for commonly agreed solutions.

133. By Executive Decree No. 10,836 dated 6 September 1993, the National Council for Occupational Safety and Health (CONSYSO) was set up for the purpose of establishing the general policy and specific measures required in the area of occupational safety and health. The Council is attached to the Ministry of Justice and Labour and is composed of representatives of the following: Ministry of Justice and Labour, Ministry of Public Health and Social Welfare, Social Security Institute, workers' organizations, employers' organizations.

134. Current legal provisions concerning rest, free time, reasonable limitation of working hours, regular paid holidays and remuneration for official holidays are described below.

135. According to article 91 of the Constitution, the maximum duration of a regular work schedule shall not exceed 8 hours daily or 48 hours weekly of daytime work, unless legally established otherwise for special reasons. More favourable schedules shall be established for unhealthy, hazardous or night-time jobs, or those carried out in continuous shifts.

136. The current labour legislation contains provisions concerning the maximum duration of the work schedule. In this respect, it is stipulated that, except in special cases, the regular work schedule may not exceed 8 hours daily or 48 hours weekly of daytime work, or 7 hours daily or 42 hours weekly of night-time work. For the purposes of the law, daytime work is considered to be that performed between 6 a.m. and 8 p.m. and night-time work that which takes place between 8 p.m. and 6 a.m.

137. For mixed work schedules (including daytime and night-time work), the law stipulates maximum duration of 7½ hours daily or 45 hours weekly. The corresponding remuneration depends on the periods spent on daytime or night-time work (Labour Code, arts. 194, 195 and 196). Under article 197, the maximum daytime work schedule for young persons over 15 and under 18 years of age is 6 hours daily or 36 hours weekly.

138. A further provision also limits the duration of work carried out in unhealthy conditions or conditions constituting a hazard for the health or life of the workers, or in rotating or continuous shifts. In these conditions, according to article 198, work time may not exceed 6 hours daily or 36 hours weekly, for a wage corresponding to a normal 8-hour working day.

139. The decision whether work is considered unhealthy or not is taken by the Directorate-General for Occupational Health and Safety, in consultation with the relevant department of the Ministry of Public Health and Social Welfare, at the request of either party.

140. Under article 200, daily working hours have to be divided into at least two parts, with a rest interval of not less than half an hour.

141. Under article 203, overtime work may exceed the legal limits only in the case of force majeure, accidents or serious danger to persons or the undertaking. No overtime is permitted for workers between the ages of 14 and 18 (art. 204).

142. In article 205, the following are excluded from the limits on working hours:

(a) Managers, chiefs and administrators employed in an undertaking and employees not subject to immediate supervision;

(b) Night watchmen, guards and other workers performing non-continuous tasks or working alone; and

(c) Persons working outside the premises where the undertaking is established as agents or on a commission basis, who are considered as employees.

The persons referred to in the subparagraphs above may not be obliged to work more than 12 hours daily, with a rest interval of 1½ hours at least during the working day.

143. Provisions concerning legal rest periods are contained in the relevant chapter of the Labour Code, in articles 212 to 217.

144. A worker is entitled to an uninterrupted period of 10 hours' rest at least upon completion of the day's work, in addition to one day of rest per week, normally on Sundays.

145. A full period of 24 consecutive hours of rest may be provided on a non-working day within the following week in lieu of the Sunday rest in the following exceptional cases:

(a) Tasks which cannot be interrupted in view of the needs they satisfy, either for technical reasons or for reasons which may seriously jeopardize the public interest or the undertaking itself;

(b) Repair and cleaning work on machinery, installations or industrial and commercial premises, which is essential to avoid interrupting the weekly tasks; and

(c) Any tasks which clearly and urgently need to be performed because of the imminent risk of damage, accident, act of God, force majeure or any other pressing temporary conditions which have to be acted upon.

146. In order to allow workers to begin their weekly rest at midday on Saturday, by agreement between the parties, the 48 weekly hours of work may be distributed so as to extend the ordinary working day, without this constituting overtime.

147. All legally established public holidays have to be considered rest days.

148. Our Labour Code also covers annual paid holidays and, in article 218, establishes the right of every worker to a period of paid holidays after each year of continuous work in the service of the same employer, which shall be not less than 12 consecutive days for workers with up to five years' seniority, 18 consecutive days for workers with over 5 and up to 10 years' seniority, and 30 consecutive days for workers with over 10 years' seniority.

149. According to article 219, in types of work which are not performed regularly throughout the year, the condition of continuity in service is considered to be fulfilled if at least 180 paid days have been worked, in which case the holiday entitlement will be proportional to the amount of time worked.

150. In calculating the sum to which a worker is entitled with respect to holidays, account will be taken of the legal minimum wage applicable at the time of entitlement to holidays or, if the wage is above the legal minimum, account will be taken of the total wage received at that time.

151. It stipulates further that if a contract is finished without the holiday entitlement having been used, this entitlement will be compensated by a payment based on the current wage; the amount will be double in the event of a payment for redundancy arising after the period of entitlement (art. 221).

152. With regard to the payment of public holidays, our labour legislation stipulates that on such days hours worked will be paid at a rate 100 per cent above the normal hourly wage for a working day.

Article 8

153. Since our country has been a signatory to ILO Conventions Nos. 87 and 98 since 1962 and 1966 respectively, and to the International Covenant on Civil and Political Rights, for consideration of the provisions of this article concerning the right to form trade unions we would refer to the relevant information relating to article 22 of the International Covenant on Civil and Political Rights contained in the initial report submitted to the United Nations by the Paraguayan Government (CCPR/C/81/Add.3).

154. However, in addition to the information provided therein, we may mention the following constitutional and legal provisions concerning unions.

155. Articles 292 and 294 of Act No. 213/93 regulate the conditions required under current labour legislation for the formation of unions. Employers' associations may not be formed with less than three members. Workers' unions may not be formed with less than 20 founding members in the case of a company union, less than 30 for a craft union, or less than 300 for an industrial union. Unions of public-sector workers may be formed with a proportion of not less than 20 per cent for up to 500 employees; not less than 10 per cent for up to 1,000 employees; and not less than 5 per cent for more than 1,000 employees.

156. In order to legalize a union's papers and registration, the sponsors or organizers have to submit the following documents to the labour authorities: the original and a certified copy of the articles of association, a copy of the statutes approved by the assembly and a list of founder members bearing their signatures.

157. Article 306 of the Labour Code establishes the right of employed workers' unions, once registered, to establish and join national or international federations or confederations. This right extends to the unions of officials and workers in the public sector.

158. Article 307 enshrines the right of any member union to withdraw from a federation whenever it wishes, notwithstanding any rule to the contrary. A federation has the same right with regard to a confederation.

159. Article 308 establishes that the provisions of the Code concerning unions will apply to federations and confederations wherever possible.

160. There is no impediment whatever preventing workers from exercising their right to form unions and to associate, just as no one can be obliged to join particular unions (Constitution, arts. 42 and 96); the right is also

established in ILO Convention No. 87 and in the Labour Code. The Government guarantees this right by facilitating the registration of trade unions organized in the country and by providing appropriate guidelines to those concerned through the Collective Labour Relations Section of the Ministry of Justice and Labour. There is no restriction whatsoever, either legal or in practice.

161. The only limitation imposed on unions is that clearly stated in article 8 of ILO Convention No. 87, which establishes in its first paragraph: "In exercising the rights provided for in this Convention workers and employers and their respective organizations, like other persons or organized collectivities, shall respect the law of the land". A National Tripartite Committee has been set up for this purpose, with responsibility for solving and/or preventing all labour disputes, including matters relating to collective bargaining.

162. With regard to the use made by the workers of their freedom of association, the figures show that between 1962 and 1989 a total of 526 trade union organizations were registered; from 1989, when the history of Paraguay began to change, to 1992, over the space of only four years, almost the same number of unions (472) were registered; in 1992, the same right was extended to public-sector employees, and at present there is practically no public-sector institution which does not have a union.

163. At present 1,104 unions are registered, with a total membership of at least 78,380. Union structures are made up as follows:

(a) Executive Committee: Secretary-General, Deputy Secretary-General, Records and Documentation Secretary, Finance Secretary, Deputy Finance Secretary, Secretary for Disputes and Social Action, Organization Secretary, Secretary for Sports and Culture, Communications Secretary, Ordinary and Alternate Members;

(b) Secretariat: Secretary in office and alternate;

(c) Electoral Tribunal: Chairman, members and alternates;

(d) Disciplinary Tribunal: Chairman and members;

(e) Advisory Office: Trade adviser.

164. Union rights include the right to strike in support of labour claims. This right is enjoyed by workers in the private and public sectors and is recognized in article 98 of the Constitution and in the labour legislation issued pursuant to that article. In fact, article 98 establishes in its first paragraph the right of public-sector workers to call a strike in the event of a conflict of interests, on an equal footing with workers in the private sector.

165. In article 358 of the Labour Code, a strike is defined as "the temporary, collective and agreed suspension of work at the workers' initiative directly and exclusively in defence of their professional interests", while article 360 states in its first paragraph that "for the purposes of exercising the right to strike, workers shall be considered to be those in employment".

166. According to article 316, the right to strike must be exercised peacefully and consist in the cessation of the services of the workers concerned, without occupation of the places of work or ancillary premises.

167. According to the Code, a strike must be declared by the assembly and, in the event that the workers are not organized into unions, a strike committee must be appointed consisting of five members, which shall be in charge of negotiations and search for a solution to the conflict.

168. The decision to declare a strike, the content of the assembly's minutes and the signatures of those present, together with the nominations of negotiators and members of the strike committee, must be transmitted to the competent authority not later than 72 hours prior to the date on which the strike is to begin. The employer must be given the same strike notice. Once the strike has been notified, a bipartite committee shall be set up, in order to seek conciliation between the parties. Once the strike has been declared, the bipartite committee has 72 hours to produce an agreement between the parties (Labour Code, arts. 363, 364 and 374).

169. With regard to the legality or otherwise of the strike, articles 372, 375 and 376 provide as follows.

170. A legally declared strike does not have the effect of terminating the working relationship, nor can it give rise to any sanctions; neither prior to nor at the time it takes place may any government authority declare the strike illegal.

171. A strike is deemed illegal:

(a) When its purpose or object is unrelated to the aim of promoting and defending workers' interests;

(b) If it is declared or maintained for strictly political reasons or if it is directly aimed at bringing pressure to bear on the powers of the State;

(c) If workers in essential public services no longer ensure essential minimum services for the public;

(d) If it is declared while a collective contract is in effect, without reference to any failure on the part of the employer to comply with a clause of the contract. Exceptions are solidarity strikes or general strikes.

172. According to the second paragraph of article 98 of the Constitution and the final part of article 360 of the Labour Code, members of the armed forces and the police are excluded from the right to strike. Under article 362, it is further provided that in the event of a strike by hospital, water or electricity workers, minimum services must be maintained on the grounds that they are indispensable for the community.

Article 9

173. Social security is governed in Paraguay by clauses in the Constitution and the law which form the basis of the legal system.

174. According to article 95 of the Constitution:

> "A mandatory comprehensive social security system for employees and their families shall be established by law. Its extension to every sector of the population shall be promoted. Social security services may be public, private, or mixed, but in every case they shall be supervised by the State. The financial resources of the social security system shall not be diverted from their specific goals and shall be made available for those purposes. This shall not preclude remunerative investments that could cause these funds to increase."

175. Article 328 of the Labour Code governs the State's obligation to protect workers by means of an insurance system against general risks and especially risks arising from work, with contributions from both employers and workers.

176. Under Act No. 17,071 of 18 February 1943, the Social Security Institute was set up as an independent body responsible for managing and administering social security in Paraguay.

177. In accordance with the terms of article 2 of Act No. 98/92, amending the provisions of Decree-Law No. 1860/50 and related legislation, the insurance system covers: "paid workers who provide services or perform work under a verbal or written work contract, regardless of their age and the amount of remuneration they receive; cover also has to be provided for apprentices and staff in decentralized State entities or jointly-owned enterprises".

178. Compulsory insurance for accident, sickness and maternity risks also covers teachers and lecturers in private education, including primary, teaching training, intermediate, vocational and language instruction, as well as staff in domestic service. Also covered are primary-education teachers and teacher-training instructors attached to the Ministry of Education and Worship, in accordance with Act No. 537 of 20 September 1958, while the same rules apply to intermediate education, and vocational and language training teachers employed by that Ministry. University lecturers in public and private institutions are also covered by the scheme established under Act No. 537.

179. The Voluntary General Insurance system has been established for self-employed workers and those covered by special schemes. The provision does not cover:

(a) Officials and employees of the central administration;

(b) Employees of private banks and officials of the Republic;

(c) Members of the armed forces and police;

(d) Workers of the Carlos Antonio Lopez Railway, who have their own social security scheme.

180. The benefits provided by the Social Security Institute are as follows.

181. Sickness risks: Under the provisions of article 30 of Act No. 98/92, in the event of non-occupational sickness or an accident not related to work, the Social Security Institute must provide the insured with:

(a) Medical care, including surgery, and dental care, medicines and hospital care. Care for the same illness shall be provided for 26 weeks, extendable depending on the patients' possibilities of recovery or their state of invalidity if in receipt of a pension;

(b) An allowance for working insured persons undergoing medical treatment with a rest period for sickness, paid as from the day following the incapacity and for the time the latter continues and the beneficiary continues to undergo treatment prescribed by the Institute;

(c) Provision of prosthetic and orthopaedic appliances.

Entitlement to the benefits referred to under (a) above also applies to the spouse or cohabitee of the insured, unemployed husband, unmarried children until adulthood, children affected by incapacity while their condition lasts and parents over 60 years of age.

182. Maternity risk: During the time they are pregnant, giving birth and caring for the infant, insured women are entitled to receive the benefits established in above-mentioned article 30, subparagraph (a), in addition to an allowance during the rest period and a supply of milk for children who are not breast-fed.

183. Old age risk: Old-age pensions are payable to insured persons who have reached 60 years of age and are credited with at least 700 weeks of contributions. Old-age pensions are paid at the end of each month, starting from the date of request by the insured. The amount will be determined as for the invalidity pension, taking the last three years of contributions as the base periods for calculating average income. If, during the last calendar year taken into account for the calculation of the old-age pension, the incomes for the previous 100 weeks are greater than incomes for the last weeks, the Institute reserves the right to investigate the increase (Act No. 98/92, arts. 59 and 60).

184. Sickness invalidity risk: Act No. 98/92 distinguishes between three types of retirement, two of which are for invalidity - (a) for common illness, and (b) for industrial accident or occupational disease - and one is ordinary old-age retirement.

185. The monthly invalidity pension for common illness comprises a base amount equivalent to 50 per cent of the average monthly earnings for the 36 last months preceding the declaration of invalidity, and increases amounting to 1.5 per cent of that amount for every 50 weeks of contributions in excess of 150 weeks up to a maximum of 100 per cent.

186. The entitlement to a pension for invalidity due to common illness applies when the insured fulfils the requirements established for the award of pensions, namely: (a) a declaration of invalidity by a board of three doctors of the Institute; (b) 150 weeks of contributions if the insured is under 55 years of age at the time of the invalidity, or 150 to 250 weeks of contributions if the insured is under 60 years of age, or 250 to 400 weeks of contributions if the insured is under 65 years of age.

187. A pension for invalidity due to an industrial accident or occupational disease is determined in accordance with the incapacity valuation table, the pension percentage table and the average monthly earnings for 36 months prior to the start of incapacity.

PENSION ENTITLEMENT PERCENTAGE TABLE FOR CASES OF INVALIDITY DUE TO INDUSTRIAL ACCIDENT OR OCCUPATIONAL DISEASE

PERCENTAGE LOSS OF WORKING CAPACITY

Years of work	100%	90%	80%	70%	60%	50%	40%	30%
	Pension as percentage of average earnings							
3-5	75	67.5	60	52.5	45	37.5	30	22.5
6-9	79.5	71.5	63.6	55.6	47.7	39.7	31.8	23.8
10-14	85.5	76.9	68.4	59.8	51.3	42.7	34.2	25.6
15-19	93	83.7	74.4	65.1	55.8	46.5	37.2	27.9
20 and over	100	90.4	80.4	70.3	60.3	50.2	40.2	30.1

188. Ordinary pensions are payable to insured persons having reached 60 years of age with not less than 25 years of recognized services, who are entitled to 100 per cent of the average earnings over the last 36 months prior to the last contribution, or having reached 55 years of age with not less than 30 years of recognized services, in which case the entitlement is 80 per cent of the average earnings over the last 36 months prior to the last wage (Act No. 98/92, arts. 61 and 60).

189. Survivor benefits: In the event of the death of a pensioner or insured person in employment credited with not less than 750 weeks of contributions, prior to the minimum age for retirement, or whose death is due to an industrial accident or occupational disease, a pension entitlement of 60 per cent of the pension previously payable to the deceased person or to which the person would have been entitled is due to surviving relatives in the following order of exclusion: the widow or cohabitee or widower, concurrently with unmarried children up to majority and disabled persons, except for widows aged less than 40, who may receive an indemnity equivalent to three annual payments of the pension to which they would have been entitled; parents, provided they were living as dependants of the deceased; orphaned children up to their majority; disabled persons declared as such, who share the pension equally (Act No. 98/92, art. 62).

190. Benefits on death: In the event of the death of an insured person, the Institute provides the following benefits:

(a) If the deceased insured person had less than 750 weeks of contributions, that person's heirs or beneficiaries receive a single cash payment equivalent to one month's wage for each year the insured person has worked;

(b) If there is no heir or beneficiary, any persons able to produce evidence that they have paid the funeral expenses for the deceased receive a sum equivalent to 75 times the minimum daily wage established for miscellaneous unspecified activities in the capital of the Republic (Act No. 98/92, art. 65).

191. Benefits for industrial accidents: An insured person is entitled to the following benefits in the event of an accident:

(a) Medical and surgical, dental, pharmaceutical and hospital care;

(b) Provision of prostheses;

(c) Cash allowances;

(d) A monthly pension due in the event of total or partial permanent disability.

192. Family benefits: Family benefits are payable as explained in the various sections.

193. Resources of the Institute: The resources available to the Institute are set out in article 17 of Act No. 98/92, as follows:

(a) Monthly contributions by workers, amounting to 9 per cent of their wages;

(b) Monthly contributions by employers, amounting to 14 per cent calculated on their workers' wages;

(c) The State's contribution, of 1.5 per cent calculated on the amount of wages on the basis of which employers are taxed;

(d) The monthly contributions of primary, intermediate, vocational and language teachers and of university lecturers in public or private institutions, amounting to 5.5 per cent of their remuneration;

(e) Monthly contributions by staff in domestic service, amounting to 2.5 per cent, of the minimum wage of category "A" workers in livestock breeding establishments until such time as a minimum wage is introduced for staff in domestic service. If the wage of the domestic staff is greater than that, the current wage is used as the basis for the aforementioned contribution;

(f) Monthly contributions by employers in private educational institutions, amounting to 2.5 per cent of the remuneration received by teachers referred to in paragraph (d) above;

(g) Monthly contributions of self-employed workers, calculated on the basis of 25 times the minimum daily wage for miscellaneous unspecified activities in the capital of the Republic;

(h) Monthly contributions by employers of staff in domestic service, amounting to 5.5 per cent of the minimum wage specified in paragraph (e) above;

(i) Contributions by pension beneficiaries, amounting to 6 per cent of their benefits;

(j) Income from the Institute's investments;

(k) Income arising from charges and fines, imposed in accordance with current legislation;

(l) Income from urgent care and services provided in the Institute's hospitals to uninsured persons in accordance with tariffs established by the Institute's Board of Directors;

(m) The monthly contribution of workers of the National Electricity Board, amounting to 6 per cent of their wages;

(n) The monthly contribution of the National Electricity Board, amounting to 12 per cent of its workers' wages;

(o) The compulsory monthly contribution of 12.5 per cent by insured persons who have obtained continuity of insurance;

(p) An additional compulsory contribution by the insured of 5 per cent of the total amount of wages in return for previous services;

(q) Legacies and donations to the Institute;

(r) The monthly contribution of the Ministry of Education and Worship amounting to 2.5 per cent of remuneration serving as a basis for the contributions of teachers in primary, intermediate, vocational and language teaching and teachers in public institutions; and

(s) Any other income obtained by the Institute which is not referred to in the above paragraphs.

194. The Social Welfare Institute is an independent legal body with its own resources, created and governed by Decree-Law No. 17,071/43 and related legislation, by decrees of the Executive in matters authorized by law and by the regulations issued by the Institute itself. Its resources are assigned to special funds in accordance with the law for the purpose of implementing the various social security schemes; as its administration is centralized, all schemes are national and not tied to specific regions or areas.

195. Family allowance: Under articles 261 and 262 of the Labour Code, all children below 17 years of age and totally disabled children qualify for a monthly allowance, payable by the employer, equivalent to 5 per cent of the minimum wage:

> "Art. 261. Pending the introduction of a statutory scheme of dependants' benefits under the social security system, every worker shall be entitled to receive an allowance equivalent to 5 per cent of the minimum wage for every child born in or out of marriage or adopted.
>
> Art. 262. Payment of the family allowance shall be subject to certain requirements, namely that the child:
>
> (a) Is under 17 years of age (no age restriction applying if he is totally physically or mentally disabled);
>
> (b) Is under the parental authority of the worker;
>
> (c) Is financially dependent on the beneficiary for his upbringing and education; and
>
> (d) Resides within the national territory."

196. The allowance is discontinued in the following circumstances:

> "Art. 263. Entitlement to the family allowance shall be automatically forfeited in respect of each child failing to meet the requirements set out in the foregoing article or if the claimant's income exceeds 200 per cent of the statutory minimum wage."

197. If both parents are working, the family allowance is payable in the following circumstances:

> "Art. 266. If both parents are working, one of them shall be entitled to the family allowance, provided that the higher of the parents' wages does not exceed the limit fixed in article 263 of this Code."

198. If the parents are separated, whichever spouse has custody of the child shall be entitled to the allowance as follows:

> "Art. 267. In the event of separation or divorce of the spouses, whichever parent has the care or custody of the child shall receive the family allowance due to one of them."

199. Under the Labour Code, the State is required to cover workers by a system of social security. This applies to both women and men. Problems arise with the practice adopted by the Social Welfare Institute, whereby the wife or cohabitee of an insured male member is in turn insured by him, but the husband or cohabitee of an insured female member is not insured by her in respect of medical care, but only in the event that he is unemployed, under article 30 of Act. No. 98/92.

200. According to social security data, the main indicators for 1992 are as follows:

Total population	4,123,550
Protected population	874,653
Protected population as percentage of total population	21.2
Active contributors	279,695
Economically active population (EAP)	512,945
Active contributors as percentage of total EAP	18.5

Source: Technical Planning Secretariat, Office of the President of the Republic.

201. According to studies carried out by the Technical Planning Secretariat attached to the President's Office, the main problems in this area were found to be as follows:

(a) Social security coverage continues to be low, amounting only to 21.2 per cent of the total population;

(b) Coverage of risks and benefits varies from one scheme to another;

(c) Poor or no institutional coordination of coverage by different schemes;

(d) The system as a whole is facing growing problems of actuarial imbalance;

(e) Social security is not comprehensive since it does not insure workers against involuntary unemployment, nor does it establish a scheme of family allowances;

(f) Inefficient administration of the health insurance sector;

(g) The lack of a suitable system of checks is conducive to evasions, increasing administrative costs and encouraging the granting of greater benefits to small privileged groups;

(h) The existing system gives rise to discrimination with regard to pension benefits and requirements, excluding a large part of the population from the benefits of this service;

(i) Poor public knowledge of the social security services available, and of benefits and potential rights;

(j) The Ministry of Finance and Railways requires increasingly large subsidies to meet its financial commitments towards its beneficiaries;

(k) The growing loss of purchasing power by all pensioners as a result of the low return on investments.

202. In its Draft Economic and Social Development Programme, 1994-1998, the Government has prepared a plan with objectives and policies for improving the social security system. The plan's objectives are: to increase the number of active contributors; to improve the efficiency of the system; to reform the system.

203. The plan's policies are aimed at reducing administrative expenses, improving revenue-collection capacity and reducing related costs; adapting investments to prevailing circumstances in order to achieve optimum returns; and linking subscribers' benefits to their contributions.

Article 10

204. National positive law, which includes the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and ILO Conventions, in conformity with the above-mentioned article, contains provisions relating to the effective protection of the family, marriage, the protection of mothers and the rights of the child.

205. The Constitution devotes chapter IV to the "Rights of the family" and in 13 articles establishes the foundations on which this vital social institution rests, providing for its promotion and full protection. The Paraguayan family, considered as the foundation of society, consists basically in the union of men and women in marriage with the free consent of the spouses; in this respect, article 5 of the Partial Reform of the Civil Code Act (No. 1/92) states that "There may be no marriage without freely expressed consent. The condition, mode or term of consent shall not be presumed".

206. The freedom to contract marriage is also protected by a provision of the Civil Code which establishes that a promise of future marriage does not create a legal obligation to contract marriage or an obligation to perform any commitment which may have been stipulated in the event of failure to fulfil the said promise. These provisions are observed in most cases, although one socially accepted practice is to insist on the celebration of marriage in the event of pregnancy, so that while the law relating to marriage is apparently applied, it is clear that there is no free expression of intention.

207. According to Act No. 1/92, the minimum age for contracting marriage is 16 for both sexes, except for special dispensation in exceptional cases from the age of 14 at the discretion of the juvenile court judge. It may be added that full capacity or majority in the sense of article 36 of the Civil Code now applies from the age of 20, provided there is no judicial declaration of incapacity.

208. De facto unions, where there is no legal impediment to marriage, provided that the conditions of a stable, monogamous relationship are observed, produce similar effects to those of marriage, in the conditions established by law. This provision is contained in the second paragraph of article 51 of the Constitution and is extremely important, considering that in Paraguay the family is mostly based on the concept of "cohabitation" as the de facto union between a man and a woman. These provisions which relate to protection of union by cohabitation refer mainly to the property system arising from the union after a period of at least four consecutive years, with special consideration for the existence of children in the union in order to guarantee adequate protection.

209. After 10 years of union and subject to the conditions established by law, the cohabitees may, by joint declaration before the official of the Registry of Civil Status or the Justice of the Peace of their district, register their union, which will then be considered equivalent to a legal marriage, including in its hereditary effects; common children will be considered matrimonial. These provisions are contained in article 86 of the Partial Reform of the Civil Code Act (No. 1/92), which we consider worth mentioning owing to the importance attached to such unions in the establishment of the family in society.

210. A comprehensive concept of the family which conveys the notion enshrined in the legal system, defines it as "a group of physical persons united by ties of kinship arising from the marriage or outside it, by blood relationship, by marriage or by adoption.

211. As part of the protection of the family, maternity is also given consideration. The system of protection for maternity is made up as follows:

Legislation

212. Chapter II of Act No. 213/93, which establishes the Labour Code, relates to the work of minors and women and contains rules aimed at guaranteeing a healthy maternity. Under articles 128 to 136, work is forbidden in the event of any risk to the health of the woman or the child in gestation, or during the lactation period, if such work involves unhealthy or dangerous tasks or night hours (Labour Code, art. 130). Work is suspended six weeks prior to childbirth and, unless medical authorization is obtained, women are not allowed to work for six weeks following childbirth. In the three months prior to childbirth, women may not engage in any work requiring substantial physical effort; they are entitled, moreover, during their absence for maternity rest or during any additional period between the presumed date and the actual date of childbirth, to receive sufficient medical assistance and benefits, at the expense of the social security system.

Maternity benefit, medical services and maternity grants

213. Subject to compliance with the legal conditions the mother has a right to the following services during pregnancy, childbirth and the puerperium (Decree-Law No. 1860, art. 36): (a) medical and surgical care; (b) hospitalization; and (c) medicaments.

214. The sickness benefits established by law and in the regulations will be granted to insured women who, after 40 days have elapsed following the birth, are unfit for work (Decree No. 10,810/52). Insured women who are pregnant are obliged, with a view to ensuring successful childbirth and protecting the newborn baby, to follow all the instructions given by the doctors in the Institute.

215. They will not lose their employment if they find themselves unable to take up their work again once their maternity leave comes to an end. In cases where over 50 women are employed in their establishments, employers are obliged to fit out rooms for children under two years of age, where they will remain under care while their mothers are working.

Maternal and child health programmes of the Ministry of Public Health and Social Welfare, and the assistance and cooperation of non-governmental organizations, such as the Red Cross, etc.

216. The health programmes referred to consider as a priority target of present health policy the high rate of morbidity and mortality among mothers and children, attributable to the following:

(a) Educational and cultural factors;

(b) Lack of access to health establishments for geographical or economic reasons;

(c) Inadequate use of the health services in place;

(d) Insufficient physical and human resources in some regions of the country;

(e) Rapid population growth in the less developed rural areas.

217. Basic data in percentage terms (approximate)

Birth rate	34%
Death rate	5.9%
Population growth	28%
Women of child-bearing age	22.7%
Infants under one year of age	3.5%

Source: Department of Public Health, Faculty of Medical Sciences of the National University of Asunción.

218. The general objectives of these programmes may be summed up as reducing morbidity and mortality among mothers and children by preventing risks and harm to women during pregnancy, childbirth, the puerperium and the period between births. In order to attain these objectives, there is an urgent need to improve the quality of maternal and child care in the institutional services. To this end, the following measures are envisaged:

(a) Training of staff in maternal and child health at the different levels of care;

(b) Training of traditional health workers (traditional midwives) under a structured programme; and especially

(c) The provision of a minimum set of equipment and instruments for care by the trained midwives.

219. As regards protection of children, since Paraguay has ratified the Convention on the Rights of the Child, reference should be made for particular features of the matter to the report submitted under that Convention (CRC/C/3/Add.22).

220. "The family, society and the State shall have the duty to guarantee the child full and harmonious development and full enjoyment of his rights, and shall protect him against neglect, malnutrition, violence, abuse, trafficking and exploitation ... In the event of conflict, the rights of the child shall be paramount." These are the provisions contained in the Constitution (Chap. IV on "The Rights of the Family", art. 54).

221. Among the measures of protection and assistance, especially to protect children against economic exploitation and prevent their employment in tasks prejudicial to morality or health or likely to hinder their normal development, are the following provisions of the Labour Code:

(a) Juveniles of either sex who have reached the age of 18 years and married women may conclude work contracts without need for any authorization (art. 35);

(b) Juveniles over 12 years of age and under 18 years may conclude work contracts if they receive authorization, which may be made subject to conditions, limited or revoked by the juvenile's legal representative. The absence of authorization will not exempt the employer from fulfilling the obligations inherent in the work contract (art. 36);

(c) Juveniles who have not reached 15 years of age may not work in any industrial, public or private enterprise or its branches, with the exception of those in which only members of the employer's family are employed, if such work constitutes a danger to their life, health or morality (art. 119).

These and other provisions make up the system of legal protection against economic exploitation.

222. There are nevertheless groups of children and juveniles who certainly do not enjoy measures of protection and care, and in respect of whom palliatives are devised to ensure their rehabilitation and to integrate them into society. They come from the slum districts and are known as "street children"; their ages range from 5 to 14 years and they beg or do odd jobs for a living. The reason for their existence is basically socio-economic.

223. The governmental organizations that work with street children are:

The Ministry of Education and Worship;

The Ministry of Public Health and Social Welfare; and

The Ministry of Justice and Labour, through the Directorate-General for the Protection of Juveniles.

224. The non-governmental organizations that work with street children are:

The Paraguayan Young Men's Christian Association (YMCA);

The Don Bosco Roga Salesian Charity for Juveniles;

The "Suffer the Little Children to Come unto Me" Foundation (DEQUENI)

The "Let the Children Live" Foundation (QUEVILONI);

The San Vicente Home; and

The Callescuela ("street school").

225. According to information provided by Callescuela, the work carried out by these organizations is based on an educational programme that promotes the organization of the children's work, making possible their training, the defence of their rights and their access to services conducive to their development in the street environment. It seeks to make children's work positive, to achieve recognition of the children and the perception of them as working members of society. The way the organizations work is by providing support and setting aside play areas and spaces for the development of creativity. They strive to educate children through practice. On the other hand, they try to promote self-management by ensuring that so far as possible the children accept the activities proposed to them as their own, develop them and at the same time perform them collectively. At the present time they are working mainly in three sectors: the Asunción bus station, the meat market and the Cuatro Mojones district. They have adopted three action strategies covering initial contact, complementary activity and community activity.

226. The initial contact is in two stages: the first consists of contact, communication, diagnosis and formation of a group; the second consists in organizing the work of the children with whom contact has been established. Thus the children working in the bus station have been organized into two groups, shoeblacks and newspaper-sellers, and in turn each group has been organized into shifts: the shoeblacks into three shifts, morning, afternoon and evening, and the newspaper-sellers into two shifts, morning and afternoon. They have organized the meat-market children with whom they are working into two categories: the boys as car-minders and the girls as street vendors. In the Cuatro Mojones district they work with four groups of children: newspaper-sellers, lottery ticket sellers, chewing gum sellers and windscreen washers.

227. The complementary activity consists of complementary educational support, care and legal services which involve the training of children and teenagers, social and legal assistance in coordination with TEKOJOJA and CEDEM, and recreational activities. With these aims in view free courses are offered giving technical training in electrical work, bricklaying, plumbing and metalworking to boys over 13 years of age, and in hairdressing to the girls. In addition to these courses workshops are held on sexuality, education in environmental sanitation, the dangers of drug abuse etc., and school extension activities are offered. An effort is also made to give medical and dental treatment, vaccinations, etc. Another objective is to improve the nutrition of these children, so that steps have been taken to set up children's canteens and to provide lunches three to five times a week.

228. Finally, the organizations' community activity involves relations with the community, where they attempt to get family groups and their communities to vindicate this child population, which there too is neither accepted nor cared for, by assimilating the children and showing concern for them. The main difficulties encountered in working with the children are caused by the working and living conditions themselves and the places in which they lead their lives.

229. Situation of orphaned and abandoned children: At the official level, the Directorate-General for the Protection of Juveniles is responsible for the care and reception of these children. There are 73 children's homes in the capital. The Guardianship and Correctional Juvenile Courts enjoy the support of the National Children's Home in their activities. The adoption of juveniles is a measure envisaged in the Juvenile Code as a solution for abandoned children. Community schemes, such as "de facto family placement", have been devised to provide care for children and teenagers in this situation.

230. Situation of street children: The overall statistics given below are taken from an analysis of data obtained in the 1992 census, the 1990 household survey, in which inquiries were made in 340 households with a view to obtaining information on the number of child workers aged between 5 and 19 in Greater Asunción, and another survey carried out on children working in the streets and based on a sample of 303 children. Thus a proportion of 48.87 per cent of children and teenagers working between 5 and 19 years of age was obtained, which is equivalent to a total of 169,359 such workers in Greater Asunción.

231. Among these, children who work in the street and provide services such as vending, shoe-shining, newspaper-selling, car-minding and collecting waste paper for resale make up 7.13 per cent of the total number. Theirs is the second type of activity by order of importance after household work which occupies 61.65 per cent. This percentage means that approximately 26,000 children are working in the streets. The figure is twice as high as an estimate based on a similar survey in 1987. This bears witness to the effects of the economic crisis besetting Paraguay and the most vulnerable sectors of society in particular.

Where the child workers work

232. The children's search for means of subsistence takes place in zones where the predominant activities are commerce, administration (offices and governmental institutions) and consumption (recreational and cultural centres). Thus the children are most likely to be found in commercial areas such as markets, important intersections, service centres, etc. Here the child is not only an agent offering an article or service for sale, but also a consumer. In these consumer areas, leisure centres and places of entertainment flourish; there child workers become consumers in the absence of other possibilities of recreation.

233. One of the places with the largest concentration of children is the central district, followed in order of importance by the Asunción bus station, the meat market and market No. 4. The markets constitute workplaces, especially for family groups in which the children work together with their mother, father or a sibling. It appears that the majority of the children found here are carrying out an activity with some member of their family under conditions of dependency or subordination.

234. Another aspect to be taken into consideration is the fact that children work in two or more different parts of the city. One third of them stated that they had a second place of work. The fact that the children have two places of work means an increase in the physical burden on them.

235. More than 49 per cent of the children are 11 years old or less. Children as young as five are encountered. The lowest age of initiation into work was four years; about 58 per cent of the children had begun to work at the age of 10.

236. As for the sex distribution of the children, there was a much higher percentage of boys (83.2 per cent) than of girls (16.8 per cent). Nevertheless, an increase in the percentage of girls was noted compared with previous years.

237. The most important problem is the hours worked daily by the children: the average working day was over nine hours. A large proportion of the children work all morning and part of the afternoon. Some 15.6 per cent work only in the morning and approximately 17 per cent work morning, afternoon and evening; many of them from dawn until early evening, a common situation among child workers in the meat market.

238. In general, long working days are most frequent at the extremes of the age range. The younger children would appear to be affected by the precarious nature of the type of work they do, which obliges them to devote more time to it, as can be seen among the windscreen washers and the porters. As for the number of days' work per week, over half the children work six days a week and about 39 per cent work every day.

239. Children's incomes: Half of the child workers have an income of 50,000 guaranies or less, about 60 per cent of the minimum day's wage. A quarter of them have an income below half the minimum day's wage and only 16 per cent have an income equal to or above that amount. The average contribution of the children to their families represented 87 per cent of their average income. This shows the importance of child labour in the family economy.

240. Relationship between child and family: Ninety-seven per cent of the children live in the same home as their family, while only 3 per cent live elsewhere - in the street or in an institution. A considerable percentage (9 per cent) had run away from home on some occasion, because they did not feel at home there or had been ill-treated by their parents or had other family problems. Such problems could arise from difficulties connected with the basic needs of the family or from a growing feeling of independence on the part of the children as they become conscious of their share in keeping the family going.

241. In addition they come up against the lack of security in their work. They perceive the work as their only resource against poverty and nevertheless do not have basic conditions suitable for the activity they engage in: they

lack an appropriate place to work in and have serious difficulties with the public authorities and/or the police. Their merchandise or utensils are often taken away from them so as to make them move on, etc.

242. At this stage, with a view to providing a legal framework that will protect children adequately, a draft Juvenile Code has been officially submitted to Parliament. This seeks to revise the present Code (Act No. 903/81) and bring it into line with the Convention on the Rights of the Child ratified by Paraguay under Act No. 57/90. At present the bill is before the appropriate commission in the Chamber of Deputies for study and subsequent approval.

Article 11

243. The Constitution, in line with the Covenant, provides in article 6 (1) that "The State shall promote the quality of life through plans and policies which take into account conditioning factors such as extreme poverty and impediments of disability or age."

244. The institution of a minimum living wage is intended to ensure a minimum standard of living for workers and their families. In this respect the Labour Code states that the minimum wage is one that is sufficient to satisfy the vital needs of the worker, namely, decent food, lodging, clothing, transport, social security, culture and recreation. This minimum and adjustable wage is fixed periodically with the aim of improving the standard of living, taking into account factors such as the cost of living of a worker's family, the general level of wages in Paraguay and any other relevant circumstances. For the purpose of fixing the minimum wage, Paraguay is divided into urban and rural zones, a wage being set in general for each of them. There is a body known as the National Minimum Wage Council that does its work within the Ministry of Labour and is chaired by the Director of Labour. It proposes a minimum wage based on the investigation of the factors mentioned above that affect the minimum living wage.

245. At some the time when this report was submitted, the minimum wage was 12,650 guaranies per day or 379,500 guaranies per month.

246. The standard of living of a population is proportional to the incomes of those in work, together with other indicators such as housing, education and health.

247. Family income and the incidence of poverty vary according to geographical area. The causes of poverty, its consequences and the possibilities of escaping from it also depend on where the poor are living.

BASIC INDICATORS OF THE QUALITY OF LIFE BY DEPARTMENT, 1990

Health region	Department	Death rates per 1,000 live births			Piped water supply
		Under one year of age	0-5 years	Maternal	%
1.	Cordillera	27.86	36.04	1.99	20.08
2.	Guairá y Caazapá	32.28	32.17	2.16	20.14
3.	Itapúa	35.44	45.96	1.50	11.50
4.	Concepción	21.69	34.85	0.49	11.48
5.	Central	22.48	29.77	0.34	21.60
6.	Caaguazú	27.24	38.50	1.01	7.60
7.	Misiones	35.55	39.29	0.94	13.71
8.	R. Occidental	15.76	20.06	1.43	10.43
9.	Alto Paraná	47.97	62.07	2.15	5.51
10.	Amambay	48.17	75.69	4.59	19.30
11.	San Pedro	25.59	37.60	4.18	9.28
12.	Canindeyú	30.78	39.18	0.93	2.24
13.	Paraguarí	18.25	23.90	0.87	13.79
14.	Asunción	38.35	48.00	1.99	83.89
15.	Ñeembucú	24.24	32.90	1.73	25.36
	TOTAL	30.44	39.98	1.50	23.25

Source: Ministry of Public Health and Social Welfare.

Health region	Department	School enrolment rate	% illiteracy		Fertility rate 75-79
			Both sexes	Females	
1.	Cordillera	92	15	61	5.7
2.	Guairá y Caazapá	92	40	63	6.2
3.	Itapúa	101*	17	59	6.4
4.	Concepción	91	19	61	7.1
5.	Central	98	10	66	3.8
6.	Caaguazú	83	17	59	6.7
7.	Misiones	89	18	60	5.8
8.	R. Occidental	118*	13	43	5.2
9.	Alto Paraná	95	18	55	6.0
10.	Amambay	79	20	56	5.3
11.	San Pedro	87	19	60	7.3
12.	Canindeyú	70	28	50	6.1
13.	Paraguarí	88	17	63	5.7
14.	Asunción	106	6	69	2.7
15.	Ñeembucú	79	15	59	5.0
	TOTAL	93	14	61	5.1

Source: Ministry of Public Health and Social Welfare and Ministry of Education and Worship.

* Could be due to the influx of internal migrants, an under-estimate of the population of school age and/or wrong declaration of age.

248. According to a study carried out in 1980, based on 3,000 surveys in 10 departments of the eastern region, Concepcíon, Amambay, Alto Paraná, Itapúa, Misiones, Paraguarí, Central, Cordillera, Guairá and Caaguazú, in 1980, in order to survive, a family needed a minimum income of 418,000 guaraníes for food and 290,000 guaraníes for expenses on health, education, clothing, transport and housing. Some 37.5 per cent of the population lived above the "destitution line" 1/ (incomes below 418,000 guaraníes), while 29.3 per cent with incomes below 708,000 guaraníes were below the "absolute poverty" line. 2/ In 1980, the poor made up 66.8 per cent of the country's total population. This high poverty rate is

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1/ Destitution or critical poverty: family income below the minimum required for food.

2/ Absolute poverty: minimum family income required to satisfy basic needs.

confirmed by the fact that 20 per cent of the poorest families in 1980 had only 5 per cent of the total income, while not less than 84 per cent of that total went to the richest 20 per cent of the population.

249. The study carried out in the departments of San Pedro, Concepcíon and Caaguazú showed that 38 per cent of rural families had total incomes below the poverty line. Sixteen per cent of the total were destitute and 22 per cent poor (i.e. unable fully to cover their basic needs).

250. Two subgroups in particular suffer the effects of poverty: peasant women and indigenous people.

251. Generally speaking, the specific contribution of peasant women to production has been underestimated, whether in terms of reproducing the labour force or in terms of output. For example, domestic tasks are not considered to be an occupation in the 1982 census or even in the recent 1992 census, so that the employment rate among women was only 11.6 per cent, compared with 86.4 per cent for men in 1982. As levels of poverty have risen in the last decade, women have been obliged to take on more and more productive tasks either in or outside the family plot. Moreover, almost 15 per cent of peasant women are in charge of the productive unit.

252. With regard to the indigenous population, despite the limited numbers involved, it is estimated that there are some 100,000 indigenous people spread around the country, in 5 language groups covering 17 ethnic groups.

253. The following table shows the living standards of the Paraguayan population for 1992:

Poor families	:	30.2%
Poor population	:	39.0%
Destitute families	:	12.6%
Destitute population	:	17.0%
Income appropriated by 10% richest families	:	42.0%
Income appropriated by 20% richest families	:	60.0%
Open unemployment	:	4.3%
Visible underemployment	:	3.0%
Invisible underemployment	:	48.2%

Source: Income distribution in Paraguay, 1993. Volume I, UNA/DIS-Project ATP/SF 2156 PR.

254. The main problems encountered in the area of poverty are therefore: high income concentration and underemployment and unemployment of large sectors of the population. The low income level of sectors situated below the poverty line involves difficulties of access to basic health, education, housing, hygiene, and social security services, among others, as well as problems relating to land tenure, educational and cultural differences, differentiated and unequal access to the fruits of progress and inefficient social action by the State.

255. In an effort to deal with existing problems, the Government has formulated a set of policies in its draft Economic and Social Development Programme, 1994-1998, that are to be developed during that period. The planned policies are aimed at achieving greater efficiency and coverage by public services, both in quantitative and in qualitative terms, promoting consultation between employers and workers, increasing the State's efficiency in its assistance to the most vulnerable sectors of the population, decentralizing and encouraging self-management as a way of reducing economic concentration levels and implementing national income tax.

256. The Human Development Agenda is a joint undertaking by the Department of Charity and Social Welfare (DIBEN), UNDP and other agencies of the United Nations system in coordination with the Ministries of Agriculture and Livestock, Public Health and Social Welfare and Education and Worship. Funds for its implementation are provided by DIBEN (US$ 6,321,000). The World Food Programme (WFP) contributes 2,370 tons of milk, valued at US$ 6 million. The aim of the project is to improve the living conditions of the neediest sectors of Paraguayan society, chiefly school-age children, and to promote the organized participation of women and of the most vulnerable sectors.

257. The most important channels for achieving those objectives are the Women's Committee in rural areas and the Neighbourhood Committees in urban areas. The Women's Committee promotes solidarity and is involved in improving the living conditions of women and their families, while giving particular attention to aspects related to the education of children and those related to the interests of women and their communities.

258. In its work for children, the Human Development Agenda has organized the supply of snacks and lunches in schools in rural areas, as well as the distribution of vitamin supplements and iodized oil anti-goitre capsules. The aim is to improve nutrition while reducing the number of school drop-outs.

259. Chapter VI of the Paraguayan Constitution guarantees quality control of food products in the following terms:

> **Article 72: "The State shall implement quality control procedures for food, chemical, pharmaceutical and biological products throughout the production, import and marketing stages. It shall also enable low-income sectors to have access to basic medical supplies".**

260. Paraguay, with a total area of 406,752 km^2, is very rich in natural resources; its economy is based on agriculture, with 2.2 million hectares of land cultivated in 1985, including 3 per cent with artificial irrigation, and 11.3 million hectares of pasture land for stockbreeding. Real growth of the agricultural sector in recent years has varied from 2.5 per cent in 1983, to 5.9 per cent in 1984, 4.9 per cent in 1985 and 5.9 per cent in 1986. (The Economic Intelligence Unit, Country Profile, 1988/89.)

261. Food and textile fibre production generates most of the goods required for local needs and, through sales abroad, to finance imports of production and consumer goods.

262. A document prepared by the Ministry of Agriculture and Livestock on food production and supply in 1986 shows that, in 1985, the country produced a total of 5.2 million tons of food products. Only a small proportion of total production (15 per cent) is exported. The main export products are: soya bean, some vegetables, beef, soya bean oil and coconut oil. The main food products produced are the following: vegetables (soya bean, peas, kidney beans and groundnuts), with about 850,000 hectares; cereals (wheat, rice and maize), with about 600,000 hectares; and starches (manioc, potato and sweet potato), with a little more than 1,000 hectares. It is estimated that the average national yield in meat production is 7.3 kilos per hectare. This figure is based on an animal load of 0.57 heads per hectare, an extraction rate of 12 per cent, an average slaughtering weight of 300 kilos and a carcass yield of 48 per cent.

263. The overall availability of food has increased substantially in recent years, mainly in the 1970s, with the rapid expansion of farming area; growth was somewhat slower in the first half of this decade. The proportion of imports in the total food supply fluctuated considerably during the period 1975/85; after substantial increases between 1975 and 1980, it declined significantly in the following two years, reached its highest point in 1983, fell to its lowest level in 1984 and then increased again moderately in 1985.

264. The average availability of food is above minimum requirements in terms both of calories and of proteins and shows a tendency to increase gradually. The contribution of cereals as a source of energy and proteins has increased, although meat, despite having diminished from 50.7 per cent in 1962 to 40.8 per cent in 1985, continues to provide the main source of proteins (Food Production and Supply, 1986. Ministry of Agriculture and Livestock).

265. The National Food Survey carried out by the Ministry of Public Health and Social Welfare in 1976 found that the food consumed by the families in the survey yielded 3,098 calories, 87.1 grams of proteins, 80.2 grams of fats and 525.0 grams of carbohydrates. These figures are higher than those observed in the 1965 food survey, which gave the following data: 2,354 calories, 63.4 grams of proteins, 54.3 grams of fats and 413.3 grams of carbohydrates. The foods most consumed were wheat and derived products, such as flour, noodles, bread, biscuits, etc. Average per capita cereal consumption (227.9 grams) was higher than that found in the 1965 survey (165 grams). The

consumption of meat and offal of various animals came to a national average of 216.3 grams, while milk and its derived products recorded an average consumption level of 114 grams.

266. The contribution of the different food groups to daily per capita food consumption was as follows: cereals, 25.5 per cent; roots and tubers, 30.4 per cent; sugar and derivatives, 7.0 per cent; meat and offal, 16.1 per cent; oil and vegetable products, 3.6 per cent; fruit, 4.9 per cent; vegetables, 1.1 per cent; milk and milk products, 3.0 per cent; and eggs, 0.8 per cent. Average protein consumption amounted to 200 per cent of estimated needs, especially among urban and suburban families. It was found that only 1.5 per cent of the families surveyed consumed between 50 and 74 per cent of estimated needs and none of these consumed less than 50 per cent of the necessary proteins. The consumption of other nutrients showed similar figures.

267. The Food and Nutritional Education Programme (PAEN) was set up by the Government in 1959 to improve living conditions in rural areas through health, nutrition and education programmes for vulnerable groups. The Programme is linked to three ministries: the Ministry of Public Health and Social Welfare, the Ministry of Education and Religious Affairs and the Ministry of Agriculture and Livestock. At present, the United Nations World Food Programme (WFP) contributes all the foodstuffs distributed by the PAEN. The Programme's director is the legal contact with the World Food Programme and in that capacity plans its activities and manages its budget. The Programme's function is to consolidate national social development plans and implement them without delay through health, nutrition and education programmes intended for vulnerable groups in rural areas.

268. Initially, the PAEN obtained assistance from the UNICEF Rotating Seed Fund. These resources were used to set up school vegetable gardens in order to change the eating habits of children, with emphasis on programmes dealing with food and education about nutrition.

269. In 1970, the PAEN obtained assistance from WFP in the form of food distributed in health centres and rural schools in the Department of Cordillera. After 8 years of project implementation, WFP made an evaluation, which turned out favourable and led to the approval of Project 2376. This expanded coverage to Central and Paraguarí Departments and introduced the food for work scheme to carry out sanitation work. An evaluation of the project in 1981 recommended including additional rural areas. A second five-year stage of Project 2376 began in 1983 covering the Departments of Caaguazú, Guairá and Alto Paraná, with the later addition of the Department of Caazapá. There were three objectives: (a) extra food for vulnerable groups; (b) improvement of the sanitary infrastructure; and (c) health improvement among young people. WFP again extended Project 2376, with expansion II covering the period from mid-1988 to mid-1993.

270. Even though Paraguay is a predominantly agricultural and stockbreeding country, its population suffers a variety of food-related problems, the main ones being protein energy deficiency, anaemia and endemic goitre.

271. Malnutrition due to insufficient protein and calorie intake is not a serious problem in Paraguay; nevertheless, deficiency illnesses such as anaemias, endemic goitre and some vitamin deficiencies show high rates of morbidity, chiefly affecting the lower income population.

272. According to a study carried out in 1960 with a sample of 76,950 pre-school age children, 10.5 per cent were suffering from malnutrition (weight/age): 7.5 per cent slight, 2.6 per cent moderate and 0.4 per cent serious. The results of the National Nutrition Survey carried out in 1976 on a sample of 682 pre-school age children, following Harvard standards and the Gómez classification, indicate that 22.6 per cent were overweight, while 32.1 per cent suffered from malnutrition: 27.4 per cent grade 1, 5.1 per cent grade 2 and 0.6 per cent grade 3. Apparently, there was an annual cumulative increase in the number of undernourished children of 6.8 per cent, while the number of overweight children fell by 1.6 per cent. It should be pointed out, however, that neither the samples nor the criteria were the same in the two surveys. In 1982, a further study was made of the nutritional condition of children under five years old belonging to families of members of the Technology for the Small Farmer Project in the areas of Coronel Bogado, Ybycuí, Cordillera, Itá and Pilar, where it was observed that 14.2 per cent of children were overweight and 17.4 per cent undernourished: 16.6 per cent suffering from grade 1 malnutrition, 0.9 per cent grade 2 and 0.2 per cent grade 3.

273. Although these data appear to show a significant improvement, with a 7.5 per cent annual cumulative increase in the number of eutrophic children, alongside a cumulative decline in the number of overweight children of 7.5 per cent annually and 9.4 per cent among the undernourished, it has to be borne in mind that, even though the criteria used were the same - Harvard standards and Gómez classification - the data are still not comparable, since the data in the first case came from a national survey carried out in 27 localities belonging to 6 of the 7 health regions into which the country is divided, while the scope of the 1982 study was more limited.

274. According to the National Population and Health Survey (1990), there are only 0.3 and 0.1 per cent of children with weight/height below 2DE and 3DE, respectively. However, if the weight/size results are considered, these percentages rise to 17 per cent (<2DE) and 4 per cent (<3DE), and to as much as 26 per cent and 6 per cent, respectively, among children of the sixth birth rank or more.

275. The proportion of children with low weight at birth was estimated by the Department of Vital Statistics of the Ministry of Public Health and Social Welfare at 7.1 per cent in 1965, 6.5 per cent in 1981, 7.8 per cent in 1983 and 7.6 per cent in 1984.

276. According to a study carried out in 1988 by the Nutrition Department of the Ministry of Health on 7,966 schoolchildren between the ages of 7 and 14 in the eastern region and in one municipality of the western region (Villa Hayes), the proportion of children rating less than 2 DE in the weight/age ratio was 13.6 per cent, 9.3 per cent for the size/age ratio and 4.7 per cent for weight/size.

277. In the group of adults from the metropolitan area (capital and surrounding area), of 1,610 persons aged between 20 and 74, the National University of Asunción found 42.6 per cent of women and 53.7 per cent of men had a normal weight, while 29.4 per cent of women and 31.7 per cent of men were overweight, the rate of excessive or morbid obesity being 26.9 per cent and 14.6 per cent, respectively. Sedentariness was found among approximately 48 per cent of the group surveyed.

278. As far as anaemias are concerned, according to data of the Ministry of Health's Department of Vital Statistics, a study of the indigenous population of the Chaco carried out on 1,791 persons in 1982 and 1983 found that 70 per cent of the population surveyed had less than 13 grams of haemoglobin per 100 cc of blood, and that 12 per cent had less than 9 grams of haemoglobin per 100 cc.

279. The results of analyses carried out in the course of checks on 484 pregnant women treated in November 1990 in 5 health regions of the country out of a total of 15 showed that 37 per cent of the women had a level of haemoglobin below 11 g/100 ml of blood, the minimum limit considered normal for this group of women. In the fifth health region, the percentage of pregnant women with anaemia was as high as 43 per cent. The main cause of anaemia is intestinal parasitosis, which in many populations has an incidence of more than 70 per cent, chiefly in rural areas.

280. From July to October 1983, a study was carried out on the incidence of endemic goitre among schoolchildren aged between 7 and 14 in rural areas in Central, Cordillera and Paraguarí Departments and among expectant and nursing mothers of the National Maternity and Paraguayan Red Cross. Goitre was found in 20 per cent of schoolchildren between the ages of 11 and 14 and in 30 per cent of the mothers. Both the incidence and the seriousness of the disease increased with age and 10 per cent of the mothers had grade II and grade III cases.

281. In the National Survey carried out in 1988 by the Nutrition Department of the Ministry of Public Health and Social Welfare, 14,233 schoolchildren between the ages of 6 and 16 in the study showed an incidence of 47 per cent of grade I goitre, 2 per cent grade II and 0.01 per cent grade III.

282. In the 13 departments studied, the incidence varies between 31 per cent and 58 per cent; it is worth noting, however, that, in 15 per cent of the districts, the incidence is above 60 per cent and as high as 77 per cent in one of them.

283. There is no clinical evidence of serious vitamin A deficiency in the population, although there is insufficient consumption of foods containing vitamin A (fruits and vegetables), a factor which may be contributing to the high morbidity/mortality rate from infectious diseases.

284. In its Human Development Agenda, the Ministry of Public Health and Social Welfare is implementing measures for the prevention of goitre, for which it distributes oral iodized oil capsules to the school population in endemic areas, although it still needs to extend the programme to children under six years old and pregnant women. A central laboratory has also been set up

to detect iodine deficiency in the population and to look into salt iodization for human and animal consumption in an effort to comply with existing standards.

285. Parasitic anaemia has a highly negative effect on nutrition and, in order to combat this scourge, the Ministry of Public Health and Social Welfare, together with other institutions in the sector, will supply medicines to the exposed population. It will also launch a vigorous educational campaign related to the improvement of the environment and sewerage in an effort to reduce the incidence of parasitic anaemia by some 10 per cent by the year 2000. In its drive to improve the nutritional situation through its regular maternal and infant care programmes, it has been supplying iron, calcium and multivitamin tablets to pregnant women, mothers and children, as well as additional food.

286. According to the World Bank Report (March 1993), nutritional standards are satisfactory in Paraguay. Underweight births account for only 7 per cent on average of total births in the country, one of the lowest percentages in Latin America. Weight deficiencies at birth increase with the level of poverty and more so in the capital than in the rest of the country. Low weight per age affects 5 per cent of Paraguayan children under 5 years old, without major differences between the regions.

287. Chapter IX of the National Constitution on economic rights and agrarian reform guarantees both in several articles, which provide the legal basis for the relevant regulations.

288. Article 109 guarantees private property the content and limits of which are established by law, taking into account its economic and social function to make it accessible to all. Private property is deemed to be inviolable and no one may be deprived of it, except under a court order. Expropriations for reasons of public use or social interest are permitted, however, as determined by the law, after payment of fair compensation established either by mutual agreement or under a court order, with the exception of unproductive latifundia destined for agrarian reform, in conformity with expropriation procedures.

289. The first part of article 112 provides that the following are State property: hydrocarbons and naturally occurring solid, liquid and gaseous minerals on Paraguay's territory with the exception of rocky, earthy and calcareous substances.

290. Article 114 codifies the objectives of agrarian reform: "Agrarian reform is an essential factor in achieving rural well-being. It entails the full incorporation of the rural population into the nation's economic and social development. Equitable systems shall be set up for the distribution, ownership and occupancy of land. Loans shall be provided, together with technical, educational and health assistance. The establishment of agricultural cooperatives and similar associations shall be encouraged and production, industrialization and the rationalization of the market shall be promoted to ensure the comprehensive development of the agricultural sector".

291. Article 115 lays the foundations for agrarian reform and rural development: "Agrarian reform and rural development shall be implemented in accordance with the following principles:

(1) The adoption of a tax system and other measures to encourage production, discourage large-scale landholding and ensure the development of small and medium-sized rural estates, in accordance with the characteristics of each area;

(2) The rationalization and regularization of land use and crop-growing practices to prevent the degradation of land, and the promotion of intensive and diversified agricultural and livestock production;

(3) The promotion of small and medium-sized agricultural enterprises;

(4) The planning of rural settlements; the award of plots of land to the beneficiaries of agrarian reform, and the provision of the necessary infrastructure to establish them permanently, with an emphasis on roads, education and health;

(5) The establishment of systems and organizations to ensure fair prices for primary producers;

(6) The provision of low-cost agricultural loans without intermediaries;

(7) Environmental protection and preservation;

(8) The establishment of an agricultural insurance scheme;

(9) Support for rural women, particularly heads of household;

(10) The involvement of rural women, on equal terms with men, in agrarian reform plans;

(11) The involvement of the beneficiaries of agrarian reform in the reform process and encouragement for peasant organizations that defend their economic, social and cultural interests;

(12) Preference for Paraguayans in agrarian reform plans;

(13) Education to train farmers and their families actively to participate in national development;

(14) The establishment of regional centres for the study and agrological classification of soils in order to locate agricultural activities in suitable regions;

(15) The adoption of policies to foment popular interest in farming by establishing vocational training centres in rural areas; and

(16) Encouragement for internal migration by focusing on demographic, economic and social factors."

292. In accordance with article 116 of the Constitution, the expropriation of unproductive large-scale estates for agrarian reform is to be provided for by law and paid for in the manner and within the time period determined by law.

293. Paraguay's report on the food and nutrition situation, which was submitted to the International Conference on Nutrition in 1992, explains that, as Paraguay's industrial and urban development is still at an early stage, approximately 50 per cent of the economically active population is still engaged in farming and 55 per cent of the population still lives in rural areas.

294. Despite its size, reinvestment of the agricultural surplus is extremely limited, as land ownership is heavily concentrated and the output of many peasant families - approximately a quarter of a million - is insufficient in terms of volume and value to create a process of capitalization and the resulting development of productive units. In addition, the development of the agrarian economy remains very vulnerable on account of the small size of its domestic market and its dependence on exports. Other causes for concern are the limited coverage of Government services, particularly where loans and technical assistance are concerned, the embryonic nature or absence of peasant organizations, whose development was restricted by previous Governments, and the growing and disturbing deterioration of natural resources (pollution, deforestation, soil degradation, etc.).

295. In these circumstances and in view of the existence of three clearly differentiated sectors in the countryside, namely, modern enterprises, the traditional sector and recently established settlements, the Government has decided to implement a differentiated policy which does not neglect measures intended for the most modern sector of the agrarian economy, but focuses primarily on the urgent need to solve the difficult problems of traditional peasants and the inhabitants of settlements.

296. Measures for this purpose are to be implemented in the following areas:

(a) Agrarian reform. The following measures have been proposed:

(i) The acquisition of sufficient land to settle approximately 40,000 families before 1993;

(ii) The revision of the Agrarian Statute;

(iii) The implementation of a programme to rationalize land ownership and title deeds;

(iv) The continuation of measures under the emergency plan in new settlements;

(b) The agricultural subsector. Agricultural production policy will be designed to achieve the following aims:

(i) To guarantee national food security;

(ii) To diversify production for export;

(iii) To stimulate the capacity and efficiency of peasant production units;

(iv) To provide fresh impetus for relations between agriculture and other sectors of the economy, particularly agro-industry;

(c) The livestock subsector. Measures in this sector will be aimed:

(i) To promote livestock production by peasants;

(ii) To carry out research and popularize technologies to increase productivity on livestock farms;

(iii) To strengthen and extend existing sanitary controls;

(d) The forestry and environment subsector. Measures will be taken in this sector:

(i) To draw up an inventory of natural resources leading to the formulation of a land-use management plan;

(ii) To implement programmes for the preservation, conservation and restoration of natural resources;

(iii) To implement programmes designed to make rational use of and to enrich forest resources;

(iv) To prevent and curb pollution and other processes that degrade the environment;

(v) To draw up projects to amend existing substantive law;

(vi) To implement ecological and environmental awareness and education campaigns;

(e) Agricultural credit. The Ministry of Agriculture and Livestock attaches great importance to reorienting credit policy by making loans more widely available, introducing management systems to provide broader and cheaper access to loans and ensuring that loans are suitable, timely and actually granted to farmers. To this end, a study is being carried out in which the Chamber of Deputies is cooperating and which is supported by the International Fund for Agricultural Development (IFAD);

(f) Marketing. Marketing measures will focus on the following factors:

(i) The organization and adaptation of the institutional structure;

(ii) Information and technical assistance for peasant enterprises, cooperatives and organizations;

(iii) Establishment of a technical agency specializing in the study of alternative international market opportunities;

(iv) Reorganization of the management of the silos owned by the Ministry, or failing that, their privatization;

(g) Furthering the interests of peasants. Priority will be given to encouraging peasants to organize, by means of the following measures:

(i) The Agriculture and Livestock Extension Department (SEAG) and the Directorate-General of Cooperative Organizations (DGC) will draw up a specific programme;

(ii) SEAG will reorganize its departments and implement a system of joint planning with the peasant sector;

(iii) Peasant organizations will be developed;

(h) Technology and education. The following measures will be taken:

(i) Research: Departments specializing in agricultural research will coordinate their activities with the Agriculture and Livestock Extension Department (SEAG), the Under-Secretariat for Natural Resources and the Environment, universities, agricultural colleges and non-governmental organizations;

(ii) SEAG will communicate and cooperate flexibly with other Government departments, cooperatives, peasant organizations and NGOs;

(iii) Education: The content of the various agricultural education courses will be adapted to meet regional needs and the training requirements of the rural population.

297. With regard to housing, data from the 1992 National Population and Housing Census for Central Department show that, although a large percentage of the population (72 per cent) have their own dwelling, there are shortages as far as building materials, the number of rooms, kitchens and bathrooms, etc., are concerned. The situation is worse in rural areas. One source of concern is basic services for dwellings: most of them use water from wells, springs and streams which is barely, if at all, drinkable and the shortage of sewage disposal facilities is even more serious in rural and/or slum areas.

298. There is a problem of overcrowding, as there are approximately three persons per room; the problem is more widespread in rural and slum areas where there are also many single-room dwellings, with the inevitable consequences for the living standards of inhabitants. As a result of internal migration, the population density of the departments of Central, Alto Paraná, Caaguazú, Amambay, Itapúa has increased considerably. Apart from increasing demand for housing in cities, this has led to the proliferation of marginal areas which are barely salubrious or hygienic.

299. Statistical data provided by the Directorate-General for Statistics, Surveys and Censuses is given below.

300. According to data from the 1950 Census, 31,514 private dwellings were occupied in Central Department and the figure had risen to 182,456 by 1992.

301. The following table shows that, in 1950, the majority of dwellings were in rural areas (72.6 per cent); this was still the case, although less so, until 1972. As from 1972, there were gradual but significant changes in the administrative boundaries of the urban and rural areas of various districts, which became overwhelmingly urban, leading to the predominance of urban areas over rural ones. In 1992, only 20.5 per cent of homes were in rural areas and 79.5 per cent in urban ones.

302. The average number of inhabitants per dwelling in the Department gradually fell from 5.3 in 1950 to 4.7 in 1992. The trend was the same in urban and rural areas.

Central Department: Number of private dwellings occupied, by urban and rural area

Average number of inhabitants per dwelling. 1950-1992

	1950 Census		1962 Census		1972 Census	
Area	Total	%	Total	%	Total	%
Dwellings Total Urban Rural						
Average no. of persons per dwelling Total Urban Rural						

Source: National Population and Housing Census, 1950/62/72.

	1982 Census		1992 Census	
Area	Total	%	Total	%
Dwellings Total Urban Rural				
Average no. of persons per dwelling Total Urban Rural				

Source: National Population and Housing Census, 1982/1992.

303. As to types of dwelling, houses or shacks predominate, accounting for over 95 per cent. However, as the urban population has grown, the number of slum dwellings has increased, for 3.8 per cent in the 1992 census.

304. In urban areas, there was a slight drop in the number of houses or shacks (from 98 per cent in 1962 to 94 per cent in 1992), while the number of slum dwellings increased (from 1.6 per cent in 1962 to 4.7 per cent in 1992). In rural areas, virtually all dwellings were classified as houses or shacks (99.1 per cent), with only a very small proportion of other types of dwelling.

305. Ownership of private dwellings in Central Department declined gradually after the 1972 census, when 85.2 per cent of persons owned their own dwellings, to 78.4 per cent in 1992. The proportion of rented dwellings rose steadily between 1972 and 1992, from 8.4 per cent to 13.4 per cent. In 1992, the proportion of owner-occupied dwellings was 76.7 per cent in urban areas and that of rented dwellings, 15.9 per cent. In rural areas, the proportion of owner-occupied dwellings is 85.3 per cent and that of rented dwellings, 3.9 per cent. The category of "other types", which includes dwellings provided free of charge, occupied de facto or on unspecified terms, accounts for 10.8 per cent of the total number of rural dwellings.

306. As far as availability of services is concerned, according to the 1992 census, 30.4 per cent of dwellings in Central Department had running water. In urban areas, the percentage was 36.8 and, in rural areas, 5.9.

307. The coverage of electricity supply has improved. In 1982, 65 per cent of dwellings had electricity, while, in 1992, 98 per cent had electric lighting. In urban areas, 99.2 per cent of dwellings have electricity and, in rural areas, 94.1 per cent.

308. The percentage of dwellings with sanitation facilities connected to a public sewerage system is very small (2.4 per cent) and there has been no significant change in the last decade. In urban areas, only 3 per cent of dwellings have mains sewerage.

309. In 1992, 42 per cent of urban dwellings had refuse disposal services, twice the 1982 figure.

310. The draft Economic and Social Development Programme, 1994-1998, gives the following main housing indicators for 1992.

Housing indicators: 1992

1. Housing shortage	300,000 unit backlog
2. Percentage of the population with own dwelling	72.5% nation wide
3. Average No. of persons per dwelling	4.7
4. Dwellings of three rooms or less	30% of the total population
5. Basic services	
Public water supply	36.6% of dwellings
Wells, tanks	62.6% of dwellings
Latrines	50% of dwellings
6. Percentage of dwellings built of brick, tiles and paving stones	-50% of dwellings
*7. Houses built by CONAVI (89/92)	30,000
8. Average No. of persons per bedroom	2.6

Source: National Population and Housing Census, 1992.

Central Department, Directorate-General for Statistics, Surveys and Censuses (STP).

* CONAVI: National Housing Council. Set up in 1990 as part of government policy to provide housing for low-income persons.

311. Article 100 of the Constitution provides for the fundamental right to housing: "All inhabitants of the Republic shall be entitled to a decent home. The State shall establish conditions to give effect to this right and shall promote low-cost housing schemes, especially intended for low-income families, by providing appropriate funding".

312. In order to put into practice the commitment made in the Constitution (art. 100 in fine), the National Housing Council (CONAVI) was established by Act No. 118/90 as an autonomous body with its own legal personality, property and administration and other agencies such as the National Savings and Loans Bank for Housing were strengthened. Article 2 of Act No. 118 provides that

the objectives of CONAVI are to determine national housing policy within the framework of macroeconomic policies and the National Development Plan in order to meet housing demand and find solutions to the housing problem. As part of its programme of providing housing for low-income groups, CONAVI has equipped eleven 200-unit housing estates with basic services and implemented housing support programmes in different parts of the country. As part of the low-cost housing construction programmes, 2,641 dwellings had been built by 30 June 1991, bringing the total to 30,000 dwellings between 1989 and 1992.

313. Existing plans for the allocation of housing are explained in the charts and tables on pages 109 and 110 of the document entitled "CONAVI 89/93", a copy of which is attached in annex 2.

314. CONAVI's computerized list of applications contains the names of 11,439 families who meet the basic requirements for access to the various CONAVI programmes.

Article 12

315. Data supplied by the Ministry of Public Health and Social Welfare's Department of Mental Health indicate that there is still no conception of emotional well-being, i.e. a feeling of being comfortable with oneself, in Paraguayan culture; rather, there is minimal concern for physical well-being and a bit more for the individual as a member of a society sharing the same beliefs. For this reason, the little knowledge we have of needs in the area of mental suffering and illness in rural Paraguay has come to us only because of the large number of cases in which mental illnesses leads to physical symptoms, which are basically cared for by general practitioners. A generally accepted belief that probably contains a grain of truth is that the rural community is more tolerant of mental illness, although we also know that such tolerance can take the form of jokes, denigration or confinement within the family if there is enough aggressivity to require it. We have little knowledge of the role of empirical methods in caring for such ailments.

316. One fundamental need in this area is to reverse the deterioration of public health care that has resulted from inadequate professional training and low salaries for the services delivered. This is confirmed by the lack of a psychiatric training course in the curriculum, the lack of supervised clinical experience in the psychology programme before certification and the near-absence of post-graduate courses given by scientific associations in psychiatric fields.

317. Mental health services in Paraguay are concentrated mainly in the city of Asunción. Of the total inhabitants in the country, approximately 1 million live in the capital. The remainder live in rural areas and lack professional mental health services, with the exception of a few thousand persons in Filadelphia Chaco Paraguayo, whose medical attention is provided by the Mennonite mental health service, SMSM.

318. Five types of services are provided in Asunción:

(a) The psychiatric hospital is the major component of care delivery. It receives the most public money and employs the largest technical team,

although it services only a small minority, approximately 380 live-in patients and a rather small number of out-patients. It is a branch of the Faculty of Medical Sciences of the National University of Asunción. The staff is composed of 30 doctors, 84 nurses, 8 psychologists and 4 social workers and receives 150 to 200 trainees in the fields of medicine, psychology, nursing and social work. It has basically not been possible to make any changes in the custodial model of health care despite the fact that many members of the profession are aware of the importance of social reintegration in the healing process and of converting the model for health services into that of a hospital for taking care of acute, short-term cases. Despite the efforts of the Mennonites, who have been working in the psychiatric hospital for the last 34 years, no changes have been made in the hospital's organizational structure, the most obvious indication of this being that the Mennonites have had to build a separate wing in order to develop innovative methods;

(b) Private psychiatric and psychological services: approximately 60 psychiatrists and 200 psychologists practise privately, some individually, but most in groups. There are three private clinics for accommodating psychiatric patients; the services provided utilize various techniques: psychodynamic, systemic, psychodramatic, neurochemical and physical. Some of them offer health promotion and continuing education courses but not on a systematic basis;

(c) Ministry of Health: Department of Mental Health. Its function is to lay down rules and provide technical support for staff in care centres. The Department is composed of a technical team responsible for preparing the National Mental Health Plan, programmes and projects, preliminary versions of which are later submitted for discussion, amendments or approval. Various parts of the plan and programmes have been prepared on the basis of discussions with and contributions from representatives of private care institutions, universities, scientific associations and international experts. According to the Health Code, the Department is responsible for mental health promotion, prevention, care and rehabilitation. It is also responsible for conducting epidemiological studies and monitoring the use of psychological methods, etc. The current Code is brief, incomplete and contains very general provisions. In addition, it provides no specific terms of reference, does not lay down a structure for operating the system and does not authorize the use of public funds;

(d) Other institutions: the Military Hospital, Police Hospital, Social Welfare Institute and many psychologists' offices in private schools dispense psychiatric and psychological care;

(e) In other parts of the country, psychological care is provided at the Caacupé regional centre and through an extensive network of care and community services in Filadelphia Chaco Paraguayo.

319. The National Mental Health Plan is aimed at achieving the following objectives in the 10-year period from 1991 to 2001:

(a) To establish and put into operation seven Mental Health Care Regions: four are to coincide with the Regional Social Welfare Directorates

and to be located inside the eastern region. Three of them are to be autonomous, two being located in and around Asunción and one in Chaco Paraguayo;

(b) To establish and put into operation a multi-level, comprehensive and integrated mental health services system that uses human, material and financial resources from each region and obtains technical and possibly financial resources at the central level. This system is to have three levels: (a) level 1, the basic mental health care unit; (b) level 2, a mental health unit composed of specialized professionals; and (c) level 3, consisting of the mental health and psychiatric units of the general hospitals, with hospital beds available;

(c) To convert the Psychiatric Hospital from its current model to one of a hospital for acute cases providing short-term to medium-term care (from 10 to 45 days);

(d) To manage human resources at five different levels: (a) training course for mental health administration; (b) training course for the provision of mental health services; (c) training course for community action; (d) training course for nursing assistants; and (e) training course for staff in the health regions where mental health care regions are to be set up;

(e) To work towards the establishment of a National Mental Health Association made up of mental health workers, users or consumers and members of the community working in the area of mental health. Its purpose would be to become an operational tool beyond political contingencies and mental health decisions the leadership might take, further to develop the reforms begun and to become a valid partner for technical and financial cooperation agencies;

(f) To develop a strong financial support base for mental health programmes by involving ministries, businessmen, private foundations and international cooperation agencies;

(g) To use the organizational capacity and trained staff of NGOs (private agencies and scientific associations) in the fields of psychology and psychiatry (social organizations relating to mental health) in the interest of the mental health of the entire population through agreements in their areas of interest and by involving them in decision-making;

(h) To establish an active publications and research (specific and interdisciplinary) programme involving professional associations, universities and international contributors;

(i) To develop mental health legislation that will: (a) establish organizational structures and provide a legislative mandate for organizing mental health services; (b) authorize the use of public funds for mental health services; (c) guarantee the rights of persons involved in the reception and delivery of mental health services; (d) provide regulations for specialized professional certification; (e) define the relationship between mental disorder and criminal responsibility; (f) authorize and specify rules

for apprehending, evaluating individuals and imposing treatment; (g) protect the civil rights of the mentally ill, including review and appeal mechanisms, when the patient's ordinary rights are limited because he is under care;

(j) To establish structures for the organization of mental health services, in keeping with principles agreed between the parties and based on a model geared to securing the public's trust (National Mental Health Plan, Ministry of Public Health and Social Welfare).

320. As regards sanitation, the National Plan of Action for Children's drinking water and sanitation sectoral support programme, begun in 1991, showed that, in 1986, drinking water services in Paraguay covered approximately 20.2 per cent of the total population with dwellings connected to a public network (733,000 inhabitants).

321. Of the total population in 1990, estimated at 4,157,000 inhabitants, 66 per cent, or 2,740,000 inhabitants, represents the rural population under the responsibility of the National Environmental Sanitation Service (SENASA). Of this total, only 7.3 per cent, or 200,000 inhabitants, receives clean drinking water, of which 7.2 per cent in localities ranging from 4,000 down to 500 inhabitants and 0.1 per cent in localities with fewer than 500 inhabitants.

322. SENASA sewage disposal coverage for the country's total population was 22.5 per cent for the decade 1980-1990 as a result of the construction of latrines and sanitation services covering 825,000 inhabitants among the total inhabitants under the responsibility of SENASA, or 88.2 per cent of the total population, i.e. 3,667,000 inhabitants (total population estimate for 1990: 4,157,000 inhabitants). The following are the goals for the period 1992-2000:

WATER	
Urban population	
Receiving services	962 964
% serviced	90%
Rural population	
Receiving services	1 145 970
% serviced	90%
SEWAGE DISPOSAL	
Sewerage services	
Urban	498 384
Rural	2 491 938
% sewerage services	90%
Urban	498 934
Rural	2 491 938
% latrines	90%

Source: National Plan of Action for Children, 1991.

323. According to data from the National Population and Housing Census for 1992 and the CORPOSANA and SENASA Statistics Division, basic sanitation in Paraguay has become a top-priority problem due to the high incidence of water-borne diseases reported. Services were maintained at a very low level of general coverage, i.e. only 27 per cent through 1992. Levels also vary widely between urban and rural areas, representing 40 and 14 per cent, respectively, by comparison with the average for Latin America, which is 84 per cent and 50 per cent, respectively. At the same time, less than 25 per cent of the urban population is linked to the sanitation system, while the rural population has no collective waste-water disposal systems. Individual sewage disposal systems are used by 75 per cent of the total rural population.

324. The following table indicates the level of drinking water and sanitation coverage for the year 1992.

Total population	Coverage	Water	%	Sewerage	%
Urban	2 084 017	833 608	40	499 576	24
Rural	2 039 533	279 119	14	1 532 000	75
Total	4 123 550	1 112 727	27	2 031 576	49.3

Source: National Population and Housing Census. 1992. CORPOSANA and SENASA Statistics Division.

325. The health situation of the Paraguayan population displays the features of a country in the first phase of development, still having a high incidence of illnesses that are preventable through vaccination, especially in areas where infectious diseases, parasites, diarrhoea, acute respiratory diseases and deficient nutrition, in quantity and quality, prevail. It also has an incidence of cardiac diseases, tumours, accidents and other problems affecting industrial countries, as well as alcoholism, drug dependency, mental illnesses and other chronic non-contagious diseases (National Plan of Action for Children, 1991).

326. Through the Ministry of Public Health and Social Welfare, the Government of Paraguay provides health promotion programmes and strategies aimed at preventing disease, decreasing the still-birth rate and helping to improve general health conditions.

327. Health programme strategies give priority to improving nutrition during pregnancy and at the stage of the growth and development of the child. The programmes cover the entire national territory, with emphasis on the regions with the highest maternal and child morbidity and mortality rates. Activities consist primarily of the following:

(a) Education and guidance in eating habits for mothers and the population in general;

(b) Establishment of proper nutrition for mothers during pregnancy and breast-feeding through direct nutritional support (powdered milk, vitamins, iron);

(c) Encouragement of breast-feeding at least through the first year;

(d) Establishment of a system for monitoring the child's growth and development;

(e) Involvement of the community in improving families' nutrition.

328. Immunization: This approach consists of conducting activities aimed at protecting mothers and children from diseases that are preventable through vaccination. National vaccination campaigns are held for this purpose (Chair in Public Health, Faculty of Medical Science, National University of Asunción). The following are the goals for 1994:

(a) To reduce the maternal mortality rate by approximately 50 per cent - from 16 per cent of live births in 1989 to 8 per cent in 1994;

(b) To reduce the infant mortality rate by approximately 50 per cent - from 31.5 per cent of live births to 16 per cent in 1994;

(c) To reduce the pre-school (one to four years) mortality rate by approximately 50 per cent - from 27 per 10,000 children in 1987 to 13.5 per 10,000 children in 1994.

329. The following are the goals for delivery of services:

(a) To increase early detection of pregnancies from 25 per cent to 50 per cent;

(b) To increase pre-natal monitoring coverage by 40 per cent;

(c) To increase concentration on high-risk pregnancies from 3 to 6 consultations per pregnancy cycle;

(d) To increase deliveries in hospitals by 100 per cent;

(e) To increase detection of diarrhoea and dehydration in children by 100 per cent and provide them with oral rehydration and institutional and community care.

These strategic plans are being implemented despite the difficulties encountered in attaining the desired goals (Chair in Public Health, Faculty of Medical Science, National University of Asunción).

330. Health system coverage in Paraguay is provided by the following:

1. Ministry of Public Health and Social Welfare

   15 Health regions
   345 Health posts
   121 Health centres
   16 Regional hospitals
   1 National hospital
   7 Specialized hospitals

2. Social Welfare Institute

   Central Hospital
   Health units

3. National University

   Clinical Hospital
   Neuropsychiatric Hospital

4. Armed forces

   Central Hospital
   San Jorge Hospital
   Other

5. "Our Lady of Asunción" Catholic University, Humanities Faculty, Villarrica.

6. Paraguayan Red Cross

7. Police Hospital

8. Private hospitals

9. Municipal Paediatric Hospital (Encarnación).

331. The Republic of Paraguay has accepted the WHO primary health care proposal and the strategy it has defined for that purpose is to incorporate into all agencies that train and use health staff primary care modules for training in the performance and implementation of this priority approach to the delivery of basic health services; mobilize institutional and sectoral resources and resources from the community itself for implementing ongoing primary health care programmes in all services; and to select basic priority activities that can be conducted by the community itself, following training and appropriate supervision.

332. The infant mortality rate was 63.2 per 1,000 live births in 1980 and was reduced to 31.6 in 1989. This rate is 65.2 among children whose mothers have had less than 2 years of education and 27.4 among those with a secondary education level.

333. Rural areas still have high maternal and child morbidity and mortality rates primarily as a result of preventable diseases. In one of the health regions, this rate was still as high as 62/1,000 live births. Among the main causes of infant mortality, injuries during delivery are first, followed by pneumonias, diarrhoeas and acute respiratory infections and, in fourth place, premature births.

334. Nutritional deficiencies were in tenth place as a general cause of mortality in 1981 and ninth in 1984, with an increasing rate of 7 deaths per 100,000 in 1981 and 9 per 100,000 in 1984; the proportion also increased from 1.4 per cent of all deaths in 1981 to 1.8 per cent in 1984 (report on the food and nutrition situation in Paraguay, submitted at the International Conference on Nutrition).

335. With regard to mortality among children aged 1 to 4, the chief cause is diarrhoea, second, pneumonia, third, violence, fourth, nutritional deficiencies, and, fifth, meningitis (Chair in Public Health, Faculty of Medical Science, National University of Asunción).

336. According to data supplied by the Ministry of Public Health and Social Welfare's Department of Biostatistics for 1990, Paraguay has one of the highest maternal mortality rates in Latin America, with 16 maternal deaths per 1,000 live births, aggravated by the fact that maternal mortality is estimated to be under-reported by 56.3 per cent, which raises the rate of specific risk to 38 per 1,000 live births. The most frequent causes of maternal mortality are haemorrhage, complications from abortions, toxaemia and puerperal infections.

337. Only 25 per cent of pregnant women receive early health care services. Women of reproductive age (15 to 49 years of age) represented 24.1 per cent of the total population in 1990. A large percentage of this group is exposed to risks from reproduction. For its part, the adolescent female population of reproductive age (15 to 19 years) accounts for 21 per cent of women of reproductive age and is a special group at high biological and social risk, requiring priority care.

338. One of the measures having the greatest impact in decreasing infant mortality was the implementation in 1991 of the expanded immunization programme, which increased the coverage of vaccinations considered to be basic.

339. Taking 1991 and 1992 into consideration, in 1991, DPT vaccine coverage was 94 per cent; oral polio vaccine, 94.6 per cent; measles vaccine, 73.67 per cent; BCG (anti-tuberculosis vaccine), 93.6 per cent; and TT (Tetanus), 70.8 per cent. The level of coverage increased considerably in 1992, to 97.3 per cent for DPT; 98.3 per cent for oral polio; 86 per cent for measles; 99 per cent for BCG and 86.6 per cent for TT.

340. Available statistics indicate the following principal indicators for the health sector in 1992.

Health sector
Main indicators
(1992)

Ministry of Public Health and Social Welfare coverage	:	63% of the population	
Social Insurance Institute coverage	:	21% of the population	
Crude death rate	:	3.2 per 1,000 inhabitants	
Infant mortality rate	:	21.4 per 1,000 live births	
Maternal mortality rate	:	1.7 per 1,000	
Physicians per 10,000 inhabitants	:	7.7	
Hospital beds per 1,000 inhabitants	:	Greater Asunción: 3.7 Rest of the country: 0.7	
Deaths by cause (1992)		No.	%
Diseases of the circulatory system	:	5 311	37
Tumours	:	1 640	12
Injury and poisoning	:	1 393	10
Symptoms, signs, and ill-defined conditions	:	1 304	9
Diseases of the respiratory system	:	998	7
Infectious and parasitic diseases	:	769	5
Conditions originating in the perinatal period	:	647	4
Endocrine, nutritional and metabolic diseases, and immunity disorders	:	625	4
Diseases of the digestive system	:	502	4
Others	:	1 082	8
Total	:	14 271	100
Principal causes of morbidity (1992)			
Nutritional parasitic anaemia	:	1st	
Acute respiratory infections (ARI), excluding pneumonia	:	2nd	

ARI (moderate) pneumonia	:	3rd
Intestinal parasitism	:	4th
Diarrhoea without dehydration	:	5th
Anaemia of other kinds	:	6th

Source: Ministry of Public Health and Social Welfare.

341. The Technical Secretariat for Planning attached to the Office of the President has defined a strategy, in the context of the draft Economic and Social Development Programme, 1994-1998, consisting of policies and measures to be carried out in the health sector, with priority being given to:

(a) Improving the quality of life of the people by broadening their access to health services;

(b) Enhancing the regulatory and operational capacity of the sector with respect to human resource training, voluntary action and community participation, developing physical infrastructure, promoting technological progress and providing the requisite financial and administrative support;

(c) Primary health care with emphasis on health education and prevention;

(d) Strengthening the supervisory authority of the Ministry of Public Health and Social Welfare by developing its managerial capacity in the social security subsectors, both public and private;

(e) Priority areas in health: maternal and child health, control of preventable immune system diseases, control of transmissible diseases and environmental sanitation;

(f) Evaluating the impact of health programmes on a continuing basis;

(g) Promoting the development of communities as participants and leading actors in health campaigns;

(h) Designing and implementing a national programme of targeted social measures.

342. The right to a healthy environment is embodied in articles 7 and 8 of the Constitution as the right of every individual. The Constitution further provides that the preservation, restoration and improvement of the environment are objectives of benefit to society. Any person who believes he may be deprived of this right can apply to the authorities and demand protection or action to prevent such damage. The law sets penalties for environmental crime and any contravention of the law may give rise to compensation.

343. The Under-Secretariat of State for Natural Resources and Environment, established by Executive Order No. 1924/89 as a department of the Ministry of Agriculture and Livestock is the body responsible for the organization, coordination and prioritization of action by public and private agencies concerned with the utilization, conservation and management of the country's renewable resources. To that end, it has three units - the National Forestry Service, the National Parks and Wildlife Administration and the Environmental Management Administration. They are responsible for the execution of plans, programmes and projects.

344. Other relevant official bodies are the National Environmental Health Service, the Ministry of Public Works and Communications, the Ministry of Education and Worship, the National Institute for Indigenous Affairs, the Sanitary Engineering Corporation, municipalities, the Technical Secretariat for Planning, NGOs (of which there are 11), joint bodies and national or inter-agency commissions.

345. With regard to the enactment of legislation, special mention should be made of instruments concerning:

(a) Reform of forestry legislation;

(b) Environmental impact assessment (partly approved);

(c) Protected wildlands (approved);

(d) Environmental management legislation (under consideration).

346. The specific measures to be implemented by the Government for the prevention and control of environmental pollution, as set out in the draft Economic and Social Development Programme, 1994-1998, are aimed at:

(a) Clearly identifying key environmental problems and potentialities, the causes of environmental stress, the actors and effects on the use of resources, and proposing solutions or alternatives;

(b) Establishing the National Environmental System as the basic agency for implementing national environmental policy;

(c) Institutional strengthening of environmental organizations;

(d) Extending and improving the legal framework with the promulgation of new environmental legislation;

(e) Improving supervision and monitoring instruments with the application of new procedures and the improvement of regional logistical infrastructure;

(f) Promoting wildlife through the establishment of nurseries and hatcheries, diversification of crops and development of agro-forestry systems;

(g) Providing incentives for productive forests with a view to the efficient management of existing forests and reforestation;

(h) Assessing the environmental impact of public and private investment projects;

(i) Raising awareness of the need to protect natural resources and training in environmental management;

(j) Intensifying efforts to regulate and stop practices of production and consumption which impair the environment and promoting those which preserve it through research and the diffusion of environmentally sound technologies;

(k) Consolidating protected areas through conservation and reclamation of land, water and other natural resources;

(l) Encouraging research and information gathering on environmental problems and ecosystem modification;

(m) Strengthening cooperative measures to conserve natural ecosystems.

Article 13

Universal right to education

347. Article 73 of the Constitution states that "everyone has the right to complete and continuing education, which as a system and process is provided within the cultural context of the community". Having regard to this constitutional provision and in accordance with the principles of basic education, i.e. "education for all" designed to meet each individual's basic needs, Paraguay aims to provide complete and continuing educational opportunities for children from the time of their birth.

348. Basic elementary education thus constitutes the first level of the national education system and serves the child population from 0 to 5 years of age, this being regarded as a fundamental stage in the child's training. It is designed to create suitable conditions for the harmonious development of the child's emotional, social, intellectual and psychomotor capacities and to guide the family and the community towards the attainment of that goal.

349. The national education system extends from elementary to higher education. The Ministry of Education and Worship administers education at the primary, secondary and higher non-university (teacher training) levels in the public sector and supervises the activities of the private sector. However, university education in both the public and the private sector is autonomous and each institution is governed by its own chancellor.

350. According to information provided by the Ministry of Education and Worship, the above structure remained in place until 1993. However, educational reforms were initiated in 1994 and under the new proposals the system is to be structured differently, with a new curriculum designed on the

basis of a shared, personalized, existential and open philosophy, respecting pluralism and at the same time advocating the unity of all the country's cultures and ethnic groups.

351. The Government will pursue programmes and policies to improve the quality of education at all levels, directly serving each educational district and its various needs. To that end, the Technical Secretariat for Planning attached to the Office of the President has drafted an economic and social development plan for the period 1994-1998, setting policy objectives and proposing specific measures.

Primary education

352. Article 76 of the Constitution states that "Basic school education is compulsory. It is free in public schools".

353. At the pre-primary and primary levels, the education system is currently structured as follows:

(a) Pre-primary education: not compulsory, provides day-care or kindergarten facilities for children up to six years of age and is intended to promote the child's all-round development;

(b) Primary education: in accordance with both the Covenant and the Constitution, basic education is compulsory and free. It comprises six grades for children aged 7 to 14 years and is divided into two levels:

(i) First level: first, second and third grades; and

(ii) Second level: fourth, fifth and sixth grades.

354. The State supports 87 per cent of the primary schools, which had 792,567 children enrolled in urban areas and 688,209 in rural areas in 1993. However, the academic success rate at the primary level is lower in percentage terms in the public sector than in the private sector, with the number of pupils repeating a year in the public sector representing 8.9 per cent of the total (61,758 out of 688,209) as against only 3.8 per cent (3,982 out of 104,358) in the private sector.

355. The basic school entry age until 1992 was 7 years. Since 1994, however, the educational reform has set the entry age at 5 years for elementary schooling in the public system, as described below, and this has already been applied to the first two grades of primary education. Its main features are:

(a) Compulsory and free education in public schools;

(b) Covers a period of nine years;

(c) Caters for children from the age of five years after appropriate elementary education;

(d) Combines general education with vocational training, placing emphasis on training for work of benefit to society;

(e) Incorporates the nine years of basic school education in a single level of the educational system.

356. Alternatives to the regular system are also provided to broaden the opportunities for primary education and meet the demand especially in rural areas and for children in urban areas who have dropped out of school or never attended school and who entered the labour market at an early age. These alternatives include:

(a) Accelerated primary education: comprises three courses of study covering the six grades, with the curricula for two grades being taught in each successive course. This is intended for pupils who have fallen behind in the grade for their age;

(b) Multiple-grade education: brings together children of different grades in the same class with one teacher;

(c) Free-grade education: an opportunity for children to catch up with their studies in exceptional cases, such as illness, family problems, travel, change of residence, etc.;

(d) Special education: this programme was initiated in 1956 in recognition of the fact that exceptional persons require continued technical and pedagogical assistance. It provides educational opportunities for children and young people who nave sensory impairments, who are mentally retarded or physically handicapped or who experience communication problems or learning difficulties. Its aim is to help pupils develop their capacities and prepare them to begin their working lives;

(e) Indigenous education: the fundamental characteristic of the education provided to native populations is that the curricula are flexible and adapted to the socio-cultural requirements of each particular group; some use teaching materials written in the group's own language.

357. Studies made by experts of the Technical Secretariat for Planning nevertheless reveal a number of shortcomings in primary education, such as the large percentage of pupils repeating a year, the high drop-out rate and low academic performance, as well as the shortage of trained teachers, especially in rural areas. The Government is therefore implementing a human resource training programme to introduce educational innovations, which will involve extending the system's coverage to absorb the greater percentage of children and young people of school age and carrying out a programme of repairs, maintenance and construction of classroom facilities at the pre-primary, primary, secondary and teacher-training levels, as well as rationalizing the location of schools countrywide (source: Anuario Estadistico 1993, Ministry of Education and Worship).

Secondary education

358. In accordance with the Covenant, article 77 of the Constitution provides that "The State shall promote secondary, technical, agricultural, industrial and higher or university education, and scientific and technological research".

359. Besides primary education, which is compulsory and free under the Constitution, the State offers secondary education free of charge, and 79 per cent of pupils are enrolled in the public sector compared with 21 per cent in the private sector. Enrolment in secondary education is lower in rural areas, which in 1993 accounted for 12 per cent of pupils, as against 88 per cent in urban areas. In technical education there are 4,401 pupils enrolled overall in rural areas.

360. The objective of secondary education is to provide comprehensive training of adolescents for their active participation in the civic and economic life of the country, as well as basic preparation for pursuing higher studies. Secondary education comprises two clearly defined stages:

(a) Basic cycle: three years of general instruction which is common to all branches of the system. This is intended to develop physical and intellectual capacities and instil moral values in adolescents to make them useful and effective members of society;

(b) Diversified high school baccalaureate: this stage continues the comprehensive training, introducing vocational components so that the pupil on graduation can begin his working life or pursue higher studies. It lasts three years and includes the following options:

(i) Baccalaureate in the humanities and sciences;

(ii) Commercial baccalaureate;

(iii) Technical or industrial baccalaureate.

361. In addition to the technical baccalaureate, the system offers various opportunities at the post-primary level, such as basic technical training and various courses for specialized occupations.

362. It is important to note that the agricultural colleges of the Ministry of Agriculture and Livestock offer a baccalaureate in agricultural science and training at the post-primary level in farming practices to meet the demand for labour in rural areas.

363. There is also a higher non-university teacher-training degree, for which the baccalaureate is a requirement, to accompany educational innovations at the primary and secondary levels. Training at present comprises courses for teachers at the elementary level (two years), the primary level (two years) and the secondary level by area of specialization (three years).

364. The main problems in secondary education are the lack of teacher training, the large numbers of pupils repeating a year or dropping out of school, inadequate school facilities for comprehensive secondary education in rural areas, the poor quality of teaching and inadequate preparation of young people for the labour market.

365. In quantitative terms, institutions offering non-comprehensive schooling in 1992 had a shortage of 4,028 classrooms; for secondary education, there was a shortage of 195 classrooms in urban areas and 186 in rural areas. With regard to teachers, there was a shortage of 5,155 in secondary education in 1993.

366. Over the period 1994-1998, it is planned to train supervisors, directors and teaching staff in primary and secondary education, giving precedence to the provinces, to supplement institutions offering non-comprehensive schooling, especially in rural areas, to provide equipment and other facilities for schools and to implement the recommendations and objectives of the educational reform. In the latter respect, meetings and conferences are being held throughout the country to introduce the new educational structure and curriculum established as of 1994.

367. Action is likewise being taken pursuant to the constitutional provisions encouraging training for work through technical education in order to build up the human resources required for national development. The Ministry of Justice and Labour, through the National Service for Occupational Advancement (SNPP), which has branches in the capital and in eight provincial cities, is providing initial vocational guidance on a regular basis to young people and adults of both sexes for the informal sector and self-employment taking account of the worker's social circumstances and technical training (source: Ministry of Education and Worship).

University education

368. In harmony with the Covenant, article 79 of the Constitution states that "The main purpose of universities and higher educational institutions shall be to promote higher vocational training, scientific and technological research and university extension".

369. Until the end of the 1950s, higher education in Paraguay was entirely public. The National University of Asunción was and still is financed by the Government. Then, in March 1960, the Catholic University of Asunción was founded and both conventions now provide professional training courses varying in length depending on the chosen field of specialization.

370. The universities are autonomous, establish their own charters and governing bodies and design their own study programmes in accordance with educational policy and national development plans.

371. Under the Constitution, both public and private universities must be established by law, which shall determine the occupations for which university degrees are required.

372. Small private universities began to appear from 1989 onwards. These are fee-paying and not subsidized by the State.

373. The various universities established in the capital and in the provinces are: National University of Asunción, "Our Lady of Asunción" Catholic University, Columbia University of Paraguay and Private University of the North.

Literacy and adult education

374. Implementation of the literacy and adult education programme began in 1966 in all parts of the country. Of the total number of students enrolled in adult education in 1993, 58.1 per cent were men and 41.9 per cent were women.

Budgetary aspects

375. In 1992, only 11.55 per cent of the budget was devoted to education, far too little to meet the country's educational needs. In keeping with the present Constitution, resources made available for education in the overall national budget are to be no less than 20 per cent of the total allocated for central administration, excluding loans and grants. In 1994, the share of the Ministry of Education and Worship in the nation's overall expenditure budget, in guaraníes, was 18.6 per cent.

GENERAL NATIONAL BUDGET

(CENTRAL ADMINISTRATION)

Guaraníes	Percentage
2,331,623,831,890	100

BUDGET OF THE MINISTRY OF EDUCATION AND WORSHIP

Guaraníes	Percentage
432,812,044,479	18.6

376. In 1992, shortage of classrooms occurred in schools at various levels, leading to incomplete schooling. In pre-primary education, there was a shortage of 4,028 classrooms, at the primary level of 4,911, and at the secondary level of 381. In 1993, the shortage of teaching staff in pre-primary schools was 1,587, in primary schools, 20,878 and in secondary schools, 5,155.

377. The draft Economic and Social Development Programme, 1994-1998, defines the policies and activities to be carried out in this respect:

(a) Development of a programme of repair and maintenance and the building of new classrooms at the pre-primary, primary, secondary and teacher-training levels;

(b) Rationalization of the siting of schools in the national territory.

378. For this purpose, the following specific actions are being taken:

(a) Schools (primary and secondary) that provide incomplete schooling will be completed, especially in the rural areas;

(b) Schools will be fitted out and furnished.

379. In Paraguay, males and females have equal access to public education at the primary, secondary and higher levels and there are no formal legal, social or cultural hindrances to such access. Only a couple of private schools that recruit their pupils from families with medium and high incomes are just for girls or just for boys. In mixed schools, there are no differences in syllabuses, staffing or infrastructure. So far, there have been no co-educational schools, only mixed ones.

380. Limitations of a practical nature arise when the economic situation of a family makes it necessary to choose who is to be educated first and for a longer time, and it is usually the male who is chosen. This situation is clearly reflected in the statistics of the Ministry of Education and Worship for primary education, where 48 per cent of enrolment consists of females among the total school population for 1985; the situation was the same in 1993. The groups that are particularly vulnerable and disadvantaged are indigenous people, the disabled and young people from urban and rural slums.

381. Analysis of illiteracy is always a controversial question, mainly because of the indicators used for measuring it, which have been changing from one census period to another. In 1982, it was considered that not only people who declared that they could not read or write, but also those who had not successfully completed the second grade were illiterate. The 1982 census indicated a 14.2 per cent illiteracy rate, appreciably lower than the rates for previous years, as will be seen from the following table:

ILLITERACY IN DIFFERENT CENSUS PERIODS

Year	Total population	Population 15 years old and above	Illiterate persons 15 years old and above	Overall illiteracy rate
1972	2 347 955	1 302 771	259 592	19.9%
1982	3 035 360	1 789 180	254 370	14.2%

Source: National Population and Housing Census, Directorate-General for Statistics, Surveys and Censuses, 1972 and 1982.

382. The illiteracy rate is decreasing, although the size of the illiterate population remains almost constant owing to the dynamics of population growth, which is very high, and to the limited nature until not long ago of the

literacy programmes of the Ministry of Education. Levels of illiteracy have also been decreasing compared with previous decades: 1962 (males 9.8 per cent, females 30.3 per cent), 1972 (males 15.6 per cent, females 23.1 per cent) and 1982 (males 10.1 per cent, females 22.9 per cent), according to data taken from the national population and housing censuses for previous years.

383. Agencies responsible for providing special education are (para. 356 (d)): the National Institute for the Protection of Persons with Special Needs, the National Institute of Rehabilitation (APADEM-TELETON), the Institute for the Care of Handicapped Children and establishments belonging to private bodies.

384. The education provided in the indigenous sector (para. 356 (e)) is characterized by the flexibility of curricular and their adaptation to the socio-cultural requirements of each group. Some of the groups have learning material in their own language. Total enrolment is 6,156, 3,316 males and 2,840 females. There are 117 public indigenous schools and 5 literacy centres.

385. A proportion of the indigenous population is assisted by religious projects and communities. The estimated coverage is 60 per cent of the total population receiving regular assistance, the rest receiving sporadic and occasional assistance.

386. Specific activities provided for in the draft Economic and Social Development Programme 1994-1998, are the identification and implementation of literacy programmes and programmes for training in production, civic education, health care, sanitation and housing and also the promotion of research and studies and the development of information on the realities of indigenous life. National legislation provides for the allocation of funds for scholarships and other types of aid with a view to facilitating the intellectual, scientific, technical or artistic training of individuals, preference being given to those lacking resources of their own.

387. Article 77 of the Constitution provides that "teaching in the early stages of schooling shall be in the official language which is the pupil's mother tongue. Pupils shall also be taught both official languages of the Republic and learn how to use them. Ethnic minorities whose native language is not Guaraní may choose either of the two official languages".

388. In contrast to the plans and programmes in force, the curricular structure of the educational system that is being introduced at the primary and secondary level (basic cycle) already includes the teaching of Guarani to facilitate communication in the teaching/learning process, particularly for children in rural areas. On the basis of Act No. 68/90, compulsory teaching of Guaraní is becoming established in primary schools throughout the Republic.

389. The Paraguayan population, in both town and country, uses Guaraní and Spanish alternatively to communicate, giving rise to the linguistic phenomenon known as "jopará". However, in the mainly rural areas, Guaraní is used much more intensively than Spanish.

390. According to data from the 1982 national population and housing census, the linguistic situation is as follows:

Speakers of Guaraní and Spanish	48.6 per cent
Speakers of Guaraní only	40.1 per cent
Speakers of Spanish only	6.5 per cent
Speakers of other languages	4.8 per cent

391. The fact that rural children habitually express themselves in Guarani makes it difficult for the teacher/pupil relationship in the classroom because the teacher teaches in Spanish, although, as from 1994, the curricular system implemented through the educational reform provides for teaching in the language of the pupil.

392. In this sense, the use of Guaraní as an instrument of communication for teaching purposes offers the following advantages:

(a) It makes for better assimilation of the subjects taught in Guaraní;

(b) It makes it possible for parents and family members to assist the child in his studies; and

(c) It prepares to some extent for the teaching of Spanish as a second language.

393. Within the national educational system, the teacher is situated at the level of non-university higher education known as teacher-training. There are 14 establishments concerned with such training, of which 10 are directly subordinate to the Department of Teacher Training, seven are part of the regional centres and are subordinate administratively to the Department of Regional Centres and for technical purposes to the Department of Teacher Training and one is the Higher Institute of Education, an autonomous entity and the institution of widest scope in the training of teaching staff in Paraguay. In 1993, three new teacher-training institutions were established in the following places in the interior of Paraguay: Caaguazú, Ynel, Bogado and Horqueta.

394. Teachers receive a salary in accordance with the duties laid down in their appointment. This salary is set by agreement between the Ministry of Education and Worship and the Ministry of Finance and takes account of professional training and further training, seniority and discipline and punctuality. Teachers' promotion is based on the staffing table system.

395. As for the measures that have been taken to improve the standard of living of teaching staff, the draft Economic and Social Development Programme, 1994-1998, provides for the following specific activities: the programmed and gradual decentralization of educational administration; the coordination and updating of the relevant legal provisions; and the promotion of the adoption

of the General Education Act, the Teacher's Statute, the Act on the Updated School Staffing Tables and the Act on Automatic Retirement on Pension for the Administrative, Technical and Teaching Sectors.

396. Primary and secondary education in Paraguay are covered by the public sector so that 87 per cent of the pupils enrolled for primary education go to schools in the public sector and 13 per cent to schools in the private sector, the corresponding figures for secondary education being 79 per cent and 21 per cent, respectively.

397. Access to non-governmental institutions is unrestricted and depends only on the wishes of the persons concerned. If privately established institutions wish to impart education, they must obtain the Government's approval through the Ministry of Education and Worship, always provided that they comply with the administrative and pedagogical criteria laid down for the purpose.

398. It is considered that there have been no changes with a detrimental effect on the right to education.

Article 14

399. In Paraguay, primary education is compulsory and free of charge in the public sector and the State promotes secondary, technical, agricultural and industrial education, which is free of charge in schools in the public sector.

Article 15

400. In accordance with the Covenant, the Paraguayan constitutional system and civil regulations contain provisions relating to culture, in respect both of its dissemination and of scientific and artistic protection for various inventions and literary works.

401. "In order to promote and disseminate culture in the form of objects, publications or activities in general that have significant value, they shall not be subject to municipal or national taxes. The law shall regulate these exemptions and shall establish a system of incentives for introducing into the country the necessary elements for the pursuit of the arts and of scientific and technological research, as well as for their dissemination both in Paraguay and abroad" (art. 83 of the Constitution).

402. The body responsible for promoting cultural development in all its manifestations is the Sub-Secretariat of State for Culture, subordinate to the Ministry of Education and Worship. There are also institutions of a private nature in Paraguay, such as the Institute of Fine Arts, and support is given by various embassies and cultural centres to the promotion of culture.

403. With regard to the cultural heritage, the Constitution provides that necessary measures should be adopted for the preservation, recovery and restoration of objects, documents or places of a historical, archaeological, palaeontological, artistic or scientific value, together with their physical surroundings, which are part of the cultural heritage of the nation.

404. The appropriate organizations will be given the task of safeguarding and recovering the various forms of unwritten culture and the collective memory of the nation in cooperation with individuals pursuing the same objective. The inappropriate use or misrepresentation of these riches, their destruction, fraudulent alteration or removal from their original locations, or their sale for export purposes, are prohibited (art. 81 of the Constitution).

405. As to the material protection of scientific, artistic and literary creations, the Civil Code provides that "the author is the owner of his work during his lifetime and his rights shall continue to be valid for 40 years from the time of his death" (art. 2165 of the Civil Code). "The right of literary, scientific and artistic property protected by the Code may not be renounced or transferred or sold, but its economic value and commercial exploitation may be transferred" (art. 2167 of the Civil Code).

406. As far as the cultural development of the various indigenous peoples is concerned, the Constitution recognizes and protects the indigenous heritage and the promotion and dissemination of indigenous culture. The cultural features of the peoples will accordingly be respected and efforts will be made to prevent the spoilage of their habitat and their cultural alienation, these efforts being channelled through various institutions such as the National Institute of Indigenous Law, the Anthropological Centre of the National University of Asunción and the Moisés Bertoni Foundation, etc.